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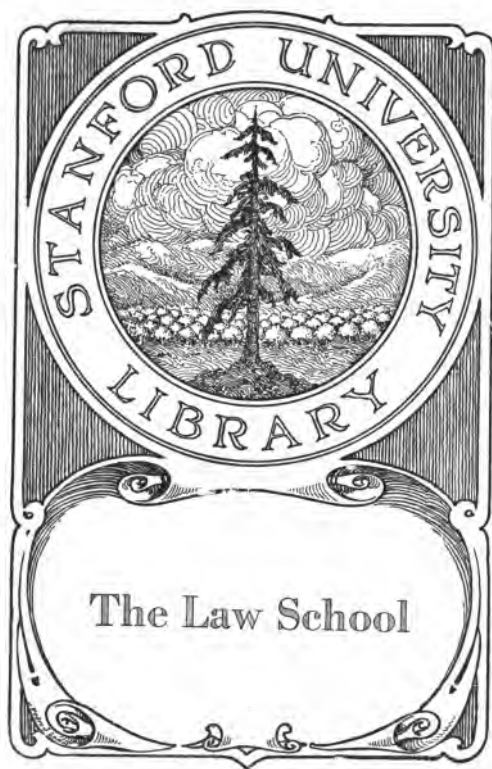
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J. B. ... 1815.



74B
LAWS AND RESOLUTIONS

OF THE

State of North Carolina,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SPECIAL SESSION OF 1880,

BEGUN AND HELD IN THE CITY OF RALEIGH,

ON MONDAY, THE FIFTEENTH DAY OF MARCH, A. D. 1880.

PUBLISHED BY AUTHORITY.

State of North Carolina

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CONTENTS.

CAPTIONS OF THE PUBLIC LAWS.....	5
CAPTIONS OF THE RESOLUTIONS.....	9
CAPTIONS OF THE PRIVATE LAWS	11
PUBLIC LAWS.....	17.
RESOLUTIONS.....	105
PRIVATE LAWS.....	117
INDEX TO LAWS AND RESOLUTIONS.....	131

CAPTIONS
OF THE
PUBLIC LAWS,
SPECIAL SESSION, 1880.

CAPTIONS

OF THE

PUBLIC LAWS,

SPECIAL SESSION, 1880.

	PAGE.	Captions to public laws.
An act to empower the board of commissioners of Cabarrus county to settle with the sheriff of Cabarrus county, by compromise, all outstanding unsettled business for the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven,	19	
An act to relieve the citizens of Burke county from the operations of an act prohibiting the driving of cattle west of the Blue Ridge,	20	
An act to amend chapter seventy-nine of laws of eighteen hundred and seventy-nine,	21	
An act to prohibit the sale of intoxicating liquors in certain localities,	21	
An act to amend chapter two hundred and thirty-nine, section one, laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five,	23	
An act concerning the holding of the superior courts for the counties of Beaufort and Martin,	23	
An act to amend section twenty-three, chapter seventy, of the public laws of eighteen hundred and seventy-nine, entitled "an act to raise revenue,"	24	
An act to classify the public roads of Buncombe and other counties,	24	
An act to construct a bridge over the Tuckaseige river in Jackson county,	26	
An act to amend chapter two hundred and ninety-three, laws of eighteen hundred and seventy-nine,	27	
An act to extend the time to redeem land sold to the state for taxes,	28	
An act to incorporate the Durham Railroad Company,	28	

	PAGE.
Captions to public laws.	
An act to make the killing of live stock by the cars and engines running on railroads in the state indictable,	30
An act to amend section two, chapter one hundred and eighteen, Battle's Revisal,	32
An act to provide for the removal of causes in courts of justices of the peace,	33
An act to amend section one, chapter two hundred and six, laws of eighteen hundred and seventy-nine,	33
An act authorizing and empowering the county commissioners of Union county to apply their surplus railroad funds to the school or general fund,	34
An act to amend the charter of the Cape Fear and Yadkin Valley Railway Company,	35
An act to amend an act relating to roads and highways,	36
An act to change the time of holding the courts in the fourth judicial district,	53
An act to amend the charter of the Augusta and Charlotte Air-Line Railway Company,	54
An act to authorize the board of education of Edgecombe county to pay certain school claims,	55
An act to amend chapter two hundred and fifty-seven, section one, of the laws of eighteen hundred and seventy-nine,	56
An act for the protection of crops in Rowan county,	56
An act for the relief of Beaufort county,	57
An act to provide for the sale of the state's interest in the Western North Carolina Railroad Company, and for other purposes,	58
An act to authorize the establishment of graded schools in the town of Salisbury and in the township of Goldsboro,	67
An act to prevent live stock from running at large within Rowan, Davie, Cabarrus and other counties,	71
An act to allow L. M. Long, late tax collector of Halifax county, to collect arrears of taxes for the year one thousand eight hundred and seventy-eight,	72
An act to amend chapter eighty two of the laws of eighteen hundred and seventy-nine, entitled "an act to provide for keeping in repair the public roads of the state,"	72
An act to re-enact an act to run and establish the dividing line between the counties of Greene and Wayne,	75
An act to amend chapter eighty of the private laws of eighteen hundred and seventy-nine, concerning cotton weighers,	76
An act to prevent the felling of trees below south-west bridge in west branch of New river in Onslow county,	77
An act to protect the fish interest in North Carolina,	77
An act to amend chapter sixty-nine of Battle's Revisal	81
An act to prohibit the sale of spirituous liquors within five miles of	

	PAGE.	
Hadnot creek, Bethlehem and Oak Grove churches, Carteret county, North Carolina,	81	Captions to public laws.
An act for the better protection of navigation in the waters of the Albemarle sound and its tributaries.	82	
An act to amend section one, chapter two hundred and sixty, acts of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, and to prohibit the sale of liquors within two miles of Mann's Chapel, Chatham county,	83	
An act to construe an act to prohibit the sale of liquor within two and one-half ($2\frac{1}{2}$) miles of Hanks' Chapel in Chatham county,	83	
An act concerning taxation and revenue,	84	
An act for the relief of the bondsmen of F. J. Satchwell, late sheriff and tax collector of Beaufort county,	86	
An act to amend section fourteen (14) chapter one hundred and seventeen (117) of Battle's Revisal in relation to widows' year's support,	88	
An act to amend section eight, chapter seven, Battle's Revisal,	88	
An act to give to sub-contractors, laborers and material men a lien for their just dues,	89	
An act to amend an act entitled "an act to prohibit the sale of spirituous liquors in certain localities," chapter two hundred and thirty-two, laws of eighteen hundred and seventy-nine,	90	
An act to amend that part of chapter two hundred and thirty-two of the laws of eighteen hundred and seventy-nine which prohibits the sale of spirituous liquors, bitters or any other intoxicating drinks within three miles of Chowan Female Institute.	91	
An act to create a new township out of a portion of Crowder Mountain, Dallas and South Point townships in the county of Gaston,	91	
An act to prohibit the sale of intoxicating liquors within two miles of Elkville and other churches in this state,	92	
An act to amend an act entitled "an act to incorporate the Greenville Railroad Company," ratified the thirteenth day of December, one thousand eight hundred and sixty-nine,	93	
An act relating to roads and other public works in the county of Lenoir,	95	
An act to amend the revenue law,	96	
An act in regard to the collection of taxes in Robeson county,	97	
An act to amend chapter two hundred and thirty-two, laws of anno domini eighteen hundred and seventy-nine,	97	
An act to amend the laws of eighteen hundred and seventy-nine, chapter one hundred and four,	98	
An act to amend chapter one hundred and thirty seven, laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, entitled "an act to prohibit the sale of liquors in certain localities,"	98	

Captions to public acts.

	PAGE.
An act to amend chapter forty, section two, laws of one thousand eight hundred and seventy-nine,	99
An act to amend section one, chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven,	99
An act to amend section twenty of chapter seventy of the laws of eighteen hundred and seventy-nine,	100
An act concerning the drawing of jurors in Wake county,	101
An act to amend chapter eighty-three, laws of eighteen hundred and seventy-nine,	101
An act to provide a servant for the supreme court,	102
An act to amend an act entitled an "act to provide for the laying off of a road from Quaker bridge in Jones county, to a point near Tar Landing in Onslow county," chapter two hundred and sixty, acts of general assembly, session eighteen hundred and seventy-eight and eighteen hundred and seventy-nine,	102

CAPTIONS
OF THE
RESOLUTIONS
AND
PRIVATE LAWS,
SPECIAL SESSION, 1880.

CAPTIONS

OF THE

RESOLUTIONS,

SPECIAL SESSION, 1880.

	PAGE.	
Resolution in favor of Noah H. Rice,	107	Captions to resolutions.
Resolution requiring the secretary of state to purchase a map for the use of the Senate,	108	
Resolution in relation to Tisdell Walton of Buncombe county,	108	
Resolution of instruction to the Governor,	109	
Resolution relating to the centennial of the battle of King's Mountain,	110	
Resolution in relation to the centennial celebration of the battle of Guilford Courthouse,	111	
Resolution in favor of D. W. Furman and Jno. C. Syme,	112	
Resolution to pay S. T. Carrow,	113	
Resolution in favor of H. W. Miller,	113	
Resolution in favor of I. W. Rogers, late Keeper of the Capitol and Arsenal,	114	
Resolution to employ counsel to aid the Governor in making contract with W. J. Best and others,	114	
Resolution in reference to the room of the Keeper of the Capitol,	115	
Resolution on adjournment,	115	
Resolution instructing the Public Treasurer to issue bonds to E. A. Crudup, administrator of Seth Jones, deceased,	115	

CAPTIONS

OF THE

PRIVATE LAWS,

SPECIAL SESSION, 1880.



	PAGE.
An act to incorporate the town of Wake Forest College in Wake county,	119
	Captions to private laws.
An act to incorporate the town of Randleman Mills in Randolph county,	120
An act to incorporate the town of Middleburg in the county of Warren,	121
An act to amend the charter of High Point in Guilford county,	122
An act to incorporate the town of Aurora in the county of Beaufort,	123
An act to incorporate the Historical and Scientific Society of Wilmington, North Carolina,	125
An act to incorporate the town of Mebanesville in Alamance county,	127
An act to incorporate the town of Richlands in Onslow county,	129

PUBLIC LAWS
OF THE
State of North Carolina,
SPECIAL SESSION, 1880.

PUBLIC LAWS
OF THE
State of North Carolina,
SPECIAL SESSION, 1880.

CHAPTER 1.

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF CABARRUS COUNTY TO SETTLE WITH THE SHERIFF OF CABARRUS COUNTY, BY COMPROMISE, ALL OUTSTANDING UNSETTLED BUSINESS FOR THE YEARS EIGHTEEN HUNDRED AND SEVENTY-ONE, EIGHTEEN HUNDRED AND SEVENTY-TWO, EIGHTEEN HUNDRED AND SEVENTY-THREE, EIGHTEEN HUNDRED AND SEVENTY-FOUR, EIGHTEEN HUNDRED AND SEVENTY-FIVE, EIGHTEEN HUNDRED AND SEVENTY-SIX AND EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

WHEREAS, the board of commissioners of Cabarrus county neglected and omitted to settle with the sheriff of Cabarrus county for the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five; eighteen hundred and seventy-six and eighteen hundred and seventy-seven; AND WHEREAS, the accounts are in great confusion,

The General Assembly of North Carolina do enact :

Commissioners
authorized to
compromise
claims against
sheriff.

SECTION 1. That the board of commissioners of Cabarrus county or their successors in office shall have the power and they are hereby authorized and empowered to settle by compromise or otherwise all the outstanding and unsettled claims against the sheriff for the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six and eighteen hundred and seventy-seven.

Empowered to
associate five
freeholders with
board of commis-
sioners.

SEC. 2. That if the said board of commissioners see proper they may associate with themselves five freeholders of the county to be selected jointly by themselves and he sheriff aforesaid in compromising and settling said claims.

SEC. 3. That this act shall be in force from and after its ratification.

∴ Read three times in the general assembly, and ratified this 19th day of March, A. D. 1880.

CHAPTER 2.

AN ACT TO RELIEVE THE CITIZENS OF BURKE COUNTY FROM THE OPERATIONS OF AN ACT PROHIBITING THE DRIVING OF CATTLE WEST OF THE BLUE RIDGE.

The General Assembly of North Carolina do enact :

Chapter 95, acts
1879, not applica-
ble to Burke
county.

SECTION 1. That the act entitled "an act to prohibit the driving of cattle from South Carolina and Georgia and other places into certain counties west of the Blue Ridge," passed during the session of the legislature of eighteen hundred and seventy-nine, shall not apply to the county of Burke, and the citizens of Burke county shall have the

privilege, without restraint of law, of driving into any county west of the Blue Ridge.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 19th day of March, A. D. 1880

CHAPTER 3.

AN ACT TO AMEND CHAPTER SEVENTY-NINE OF LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy nine, laws of eighteen hundred and seventy-nine, be amended by striking out the word "eight" immediately after the word "Ashe," in section one of said chapter, and insert in lieu thereof the word "seventh."

Chapter 79, acts
1879, amended.

Superior court of
Ashe county.

SEC. 2. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified this the 19th day of March, A. D. 1880.

CHAPTER 4.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN CERTAIN LOCALITIES.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to sell or directly or indirectly receive any compensation for any spirituous liquors, bitters, or any intoxicating

Sale of spirituous
liquors prohib-
ited in certain
localities.

1880—CHAPTER 4.

drinks within one mile of Ellendale Academy, in Ellendale township, in the county of Alexander, or within two miles of the Methodist church and high school at Olin, and within two miles of Elmwood station, in the county of Iredell; within two miles of Holly Springs church and Academy in Henderson county; within two miles of Old Fort, McDowell county; within two miles of Olivet Methodist church, in Anson county; within two miles of Zion Wesley church, in Iredell county; within one mile of Snow Hill, in Cherokee county; within three quarters of a mile of Hall's Chapel, in Wake county, and within the incorporated limits of Columbia, in Tyrrell county.

Misdemeanor.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace having jurisdiction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than ten days nor more than thirty days: *Provided*, that if the offender is not brought to trial before some justice of the peace within six months after the commission of the offence, the superior court in term for the county in which the offence was committed may take jurisdiction of the same, and punish the offender at the discretion of the court.

Proviso.

Act in force from
May 1st, 1880.

SEC. 3. This act shall be in force from and after the first day of May, A. D. 1880.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 5.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-NINE, SECTION ONE, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FOUR AND EIGHTEEN HUNDRED AND SEVENTY-FIVE.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and thirty-nine, section one, of laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, be amended by striking out Red's in line thirty-two and inserting Kid's, and by striking out Bethlehem in line thirty-five and inserting Presbyterian, so that the law will read Kid's Chapel Baptist church and Trinity Presbyterian church.

Chap. 239, § 1, acts 1874-'75, amended.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 6.

AN ACT CONCERNING THE HOLDING OF THE SUPERIOR COURTS FOR THE COUNTIES OF BEAUFORT AND MARTIN.

The General Assembly of North Carolina do enact :

SECTION 1. That the superior court for Beaufort county shall continue for two weeks unless the business be sooner disposed of.

Beaufort superior court to continue two weeks.

SEC. 2. That the superior court for Martin county shall commence on the eleventh Monday after the fourth Monday of March and September.

Time of holding Martin superior court.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 7.

AN ACT TO AMEND SECTION TWENTY-THREE, CHAPTER SEVENTY, OF THE PUBLIC LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE ENTITLED "AN ACT TO RAISE REVENUE."

The General Assembly of North Carolina do enact:

Chap. 70, § 23, acts
1879, amended.

Itinerant dealers
in lightning rods.

SECTION 1. That section twenty-three of chapter seventy, of the public laws of eighteen hundred and seventy-nine, entitled "an act to raise revenue," ratified March fourteenth, eighteen hundred and seventy-nine, be amended by striking out the word "fifty" in the second line, and inserting the word "fifteen."

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 8.

AN ACT TO CLASSIFY THE PUBLIC ROADS OF BUNCOMBE AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners respectively of Buncombe, Rutherford, McDowell, Madison, Hender-

son, Transylvania, Haywood, Macon, Jackson, Swain, Cherokee, Clay, Graham, Yancey, Mitchell, Burke, Polk, Wilkes, Alleghany, Ashe, Stokes, Harnett, Watauga and Surry, by and with the advice and in consultation with the justices of the peace of the different townships of said counties shall have power and they are hereby required to classify the public roads in their respective counties from time to time as they may deem fit, in respect to the width thereof, designating in a first class, such roads as shall be of the width of sixteen feet, and in a second class such roads as shall be of the width of twelve feet, and in the third class such roads as shall be of the width of ten feet, and when such roads shall be so classified the same shall continue to be the public roads in said counties and shall continue to be kept in repair except as to width as modified by this act as now required by law.

Commissioners of certain counties (in conjunction with the justices of the peace) to classify public roads.

First class.

Second class.

Third class.

To continue and be worked as public roads.

SEC. 2. That when it shall appear to the said commissioners and justices of the peace that any part or parts of any road cannot be made and kept up to the full width of the class in which said road has been placed without great labor and expense then they shall have the authority to allow said part or parts to be made of less width so as to meet the actual necessities of travel over said road: *Provided, however,* that the width in such localities shall never be less than roads of the third class as herein provided except when the location is through solid rock.

Authority in certain cases to make part of road of less width than its class.

Proviso.

SEC. 3. It shall be the duty of the clerk of the board of county commissioners within ten days after such classification shall have been made in any of said counties to certify under his seal of office to the board of supervisors of public roads in each township of the county or to the overseers in such counties as have no supervisors of public roads, a copy of such classification for the whole county, and take a receipt for the same and file in the papers of his office in respect to roads, and if any such clerk shall refuse or neglect to do so he shall be deemed guilty

Clerk of commissioners to certify classification of roads to township board of supervisors of roads, &c.

Failure of clerk a misdemeanor.

Penalty.

When classification to be made.

Overseers of roads to report semi-annually.

of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars. Said classification shall take place and be made on the first Tuesday and days following after the first Monday in May, Anno Domini eighteen hundred and eighty, at the court house in each county.

SEC. 4. That the reports of overseers to the board of supervisors shall be semi-annually instead of quarterly as now required by law commencing on the first Monday in August next.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 9.

AN ACT TO CONSTRUCT A BRIDGE OVER THE TUCKASEIGE RIVER IN JACKSON COUNTY.

The General Assembly of North Carolina do enact :

Board of commissioners authorized to levy special tax to build bridge.

SECTION 1. That the board of commissioners of the county of Jackson are hereby authorized to levy a special tax on the real and personal property of the county sufficient to build a new county bridge over the Tuckaseige river near Webster at the same point where the Western turnpike road crosses said river.

When tax to be levied and collected.

SEC. 2. The taxes shall be levied and collected at the same time the state and county taxes are for the year eighteen hundred and eighty.

SEC. 3. The board of commissioners in and for said county shall proceed at once to let out the building of said bridge to the lowest responsible bidder or bidders, with sufficient guarantees for the completion of the same according to specifications and contract.

Commissioners to let building of bridge to lowest bidder.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 10.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-THREE, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and ninety-three, public laws of North Carolina, be amended by striking out in sub-section six the word "three" and insert "five."

Chap. 293, § 2, acts 1879, amended. Sheriff allowed five per cent. for collecting state and county taxes.

SEC. 2. Add the following to be known as section five: That this act shall only apply to Pitt county.

Act only applicable to Pitt county.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 11.

AN ACT TO EXTEND THE TIME TO REDEEM LAND SOLD TO
THE STATE FOR TAXES.*The General Assembly of North Carolina do enact :*

Provisions of ch.
213, acts 1879, ex-
tended to Feb. 1st,
1881.

SECTION 1. That all the provisions of chapter two hundred and thirteen of the laws of eighteen hundred and seventy-nine shall be and they are hereby extended to the first day of February, Anno Domini eighteen hundred and eighty-one.

Hereafter unnec-
essary to obtain
deed of re-con-
veyance.
Law in force prior
to act of 1879 re-
enacted.

SEC. 2. That hereafter it shall not be necessary to obtain a deed of re-conveyance as provided in said act, but that the provisions of law relating thereto prior to the passage of said act shall be and they are hereby declared to be in full force and virtue.

SEC. 3. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 12.

AN ACT TO INCORPORATE THE DURHAM RAILROAD COM-
PANY.*The General Assembly of North Carolina do enact :*

Incorporation.

Name.

Corporate powers

SECTION 1. That a body politic and corporate may be created and organized as provided by this act by the name and style, "The Durham Railroad Company," and such corporation when so organized may sue and be sued, plead and be impleaded in all courts according to law, and shall have power to purchase, receive by gift, devise

or otherwise, and hold and own, and to sell and convey by deed or otherwise both real and personal property for the purpose in this act provided, and to make all such by-laws as the stockholders in said company may deem proper, not inconsistent with the constitution and laws of this state and the United States.

SEC. 2. That said corporation so to be organized shall have power and the right to construct a railroad having one or more tracks, upon such route as the board of directors of said company may deem proper to select for the purpose of connecting by railroad the town of Durham in the county of Orange either with the Raleigh and Augusta Air Line Railroad, or the Raleigh and Gaston Railroad at such point as said board may determine; and for the purpose of constructing said road, the said company shall have power to open books of subscription for one million of dollars of capital stock of said company in shares of fifty dollars each at such times and places and keep the same open for such length of time as the said board may provide for the purpose of organizing said corporation.

By-Laws.

To construct railroad.

Route.

Books of subscription.

Capital stock.

SEC. 3. William T. Blackwell, Julian S. Carr, J. E. Lyon, B. L. Duke, E. J. Parish, H. A. Reams, J. J. Lockhart, Fred. C. Gear and C. B. Green are each appointed commissioners to receive subscriptions for the capital stock of said company, any three of whom shall have power to act in this behalf, first giving ten days' notice in one or more newspapers published in said town of Durham.

Commissioners to receive subscriptions to capital stock.

SEC. 4. That whenever the sum of fifty thousand dollars shall have been subscribed for such capital stock by responsible persons and the sum of ten dollars per share shall have been paid by such subscribers for said stock to said commissioners for said company the said subscribers so paying for stock and their successors and assigns shall be and they are hereby declared to be incorporated into a company under the name and style and with the powers provided in the first section of this act, and shall

When corporation perfected.

Meeting of stock-
holders.

Organization of
company.

have the right to construct said road and to transport passengers and freights of all kind over said road for pay as other railroad companies in this state have the right to do; and the said commissioners, or a majority of them, shall have power on giving twenty days' notice in a newspaper published in the town of Durham to assemble such subscribers as shall have so paid for their stock respectively and they shall proceed to organize said company and elect six directors out of their number who shall serve for one year and until their successors shall be elected, and said directors shall elect one of their number to be the president of said company, and the stockholders may provide in their by-laws for such other officers as they may deem fit and fix the term of office of all officers.

SEC. 5. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 13.

AN ACT TO MAKE THE KILLING OF LIVE STOCK BY THE CARS
AND ENGINES RUNNING ON RAILROADS IN THE STATE IN
DICTABLE.

The General Assembly of North Carolina do enact :

Live stock killed
or injured upon
railroads in cer-
tain counties a
misdemeanor.

Who liable to in-
dictment.

SECTION 1. That when any cattle, horses, mules, sheep or other live stock shall be killed or injured by any car or engine running on any railroad in the counties of Columbus, New Hanover, Brunswick, Bladen, Robeson, Richmond, Anson, Union, Gaston, Lincoln, Cleaveland and Burke, in this state, it shall be a misdemeanor, and the president, receiver and superintendent of such road, and also the engineer and conductor in charge of the train or en-



gine by which such killing or injury is done, may be indictable for such killing or injury : *Provided*, that if the parties indictable under this section or any or either of them shall within six months after the killing as aforesaid of any stock mentioned in this act, and before any indictment is preferred or warrant issued, pay the owner of such stock as may be killed his charges for said stock, or in the event the charges are too high or thought to be so, such sum or sums as may be assessed by three commissioners, one to be chosen by the party whose stock is killed or injured, a second by the party accused of killing the same, and the third by the two commissioners chosen as above indicated, who shall meet at some place in the county where the stock is killed or injured, to be selected by the parties interested, within thirty days after they are chosen and accepted, such payment shall be a bar to any prosecution under this act, and that the decision of two of the said commissioners shall be final for the purposes of this act : *Provided further*, that if any person or persons liable to indictment under this section shall within the time prescribed propose to the party endamaged to refer the matter of damages in the manner hereinbefore indicated to three commissioners, and the party endamaged shall refuse or decline such proposition, such refusal or declining shall be a bar to any prosecution under this act : *Provided further*, that if the party endamaged shall at any time before indictment is preferred, or warrant issued, directly or indirectly receive any sum in full compensation of his damages, such compensation shall be a bar to any prosecution under this act ; and if any compensation be so received after indictment is preferred or warrant issued, or if after said time the party accused shall pay or tender to the owner of the stock killed the value of the same as decided by the commissioners, as above provided or a majority of them, in either case the prosecution shall go no further and the accused shall be charged only with the accrued cost.

Penalty on conviction.

SEC. 2. That in any conviction under this act the party found guilty shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Killing or injuring *prima facie* evidence of negligence.

SEC. 3. When any cattle, horses, mules, sheep or other live stock shall be killed or injured by the engines or cars running on any railroad in the aforementioned counties in this state, and such killing is proved, it shall be *prima facie* evidence of negligence in any indictment under this act.

Indictment not to be until party damaged has proposed a reference.

SEC. 4. That the indictment provided for in this act shall not lie until a proposition to refer the matter has been proposed by the party claiming that he has been damaged.

SEC. 5. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 26th day of March, A. D. 1880.

CHAPTER 14.

AN ACT TO AMEND SECTION TWO, CHAPTER ONE HUNDRED AND EIGHTEEN, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact:

Construction of chapter 118, § 2, Bat. Rev.
Non-residents prohibited from shooting afloat in the waters of Currituck county.

SECTION 1. That section two, chapter one hundred and eighteen, Battle's Revisal, shall be so construed as to prohibit all non-residents from shooting afloat in any of the waters of Currituck county.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in general assembly, and ratified this 26th day of March, A. D. 1880.

CHAPTER 15.

AN ACT TO PROVIDE FOR THE REMOVAL OF CAUSES IN
COURTS OF JUSTICES OF THE PEACE.*The General Assembly of North Carolina do enact:*

SECTION 1. That in all proceedings and trials, both criminal and civil, before justices of the peace, the justice before whom the writ or summons is returnable, shall upon affidavit made by either party to the action that he is unable to obtain justice before him, move the same to some other justice residing in the same township, or to the justice of some neighboring township if there be no other justice in said township: *Provided*, that no cause shall be more than once removed.

Actions removable from one justice of the peace to another upon affidavit.

Proviso.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 16.

AN ACT TO AMEND SECTION ONE, CHAPTER TWO HUNDRED
AND SIX, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-
NINE.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter two hundred and six, laws of eighteen hundred and seventy nine, be amended as follows: Strike out after the word "and" in third line the letter "W" and insert the word "David."

Chap. 206, § 1, acts 1879, amended.

Allowance to David Allen.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 17.

AN ACT AUTHORIZING AND EMPOWERING THE COUNTY COMMISSIONERS OF UNION COUNTY TO APPLY THEIR SURPLUS RAILROAD FUNDS TO THE SCHOOL OR GENERAL FUND.

The General Assembly of North Carolina do enact:

Commissioners of Union county authorized to apply surplus of fund raised for railroad debt to either common school or general fund.

SECTION 1. That the board of county commissioners of Union county shall be authorized and empowered, and they are hereby fully authorized and empowered, to apply the surplus fund in their hands which was raised for the purpose of paying off the railroad debt of that county, and which remains after that debt has been paid in full to the common school or general fund as they may think best.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 18.

AN ACT TO AMEND THE CHARTER OF THE CAPE FEAR AND
YADKIN VALLEY RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That of the board of directors of the Cape Fear and Yadkin Valley Railroad Company four shall be selected from that section of country through which the said road passes west of Greensboro, two of whom shall be chosen along the line of road running up the Yadkin Valley to Patterson west of the point of divergence hereinafter provided for; and the other two on the Ore Knob and Mount Airy line from Ore Knob and Mount Airy to Greensboro.

Four of the board of directors to be selected from the section of country on the line of the road west of Greensboro.

SEC. 2. That when the grading of said road reaches the point of divergence of Mt. Airy and Ore Knob branch of said road and the Yadkin Valley Branch the entire force of convicts employed on said road shall be equally divided between the two branches, and continued on such branch until completed to their western termini, and the point of divergence heretofore mentioned, shall be at the most practicable and convenient point on the main line with a view of reaching the Yadkin river at or in the immediate neighborhood of Bean Shoals.

Convicts to be equally divided between the Mt. Airy and Ore Knob branch and the Yadkin Valley branch.

Point of divergence.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 26th day of March, A. D. 1880.

CHAPTER 19.

AN ACT TO AMEND AN ACT RELATING TO ROADS AND HIGHWAYS.

The General Assembly of North Carolina do enact :

Justices of the peace to have supervision and control of roads in their respective townships.

Incorporated.

Corporate name.

Meetings of board of township trustees.

Record of proceedings.

Chairman.

Treasurer.

Corporate powers

Board of trustees and treasurer exempt from working roads.

Duty of trustees to examine roads.

Report to the judge of the superior court.

SECTION 1. That the justices of the peace in each and every township of this State shall have the supervision and control of the public roads and highways in their respective townships. They are hereby incorporated and the "Board of Trustees" of such township shall be their corporate name.

SEC. 2. The board of township trustees shall meet in some place in their respective townships to be agreed upon by themselves, or in the absence of such agreement, to be named by their chairman, on the first Monday of May and November, and at such other times as a majority of them may deem advisable. They shall keep a record of their proceedings and shall annually at their May meeting elect one of their number chairman and may also elect one of their number or some other suitable person treasurer and require a bond of such treasurer payable to the state of North Carolina in trust for said township with security to be by them approved conditioned for the faithful discharge of the duties of said office. They shall have the right to sue and be sued, plead and be impleaded in any of the courts of this state and levy taxes for road purposes as hereinafter provided. The board of trustees and township treasurer shall be exempt from the four days' labor on the public roads. It shall be the further duty of the trustees to examine into the condition of the public roads and highways of their respective townships at least twice in each and every year and make a report on the condition of said roads and highways and present said report at the spring and fall terms to the judge of

the superior court, who shall transmit said report to the solicitor with such instructions as he may deem proper.

Authority of township trustees over roads.

SEC. 3. The board of township trustees shall have the right to lay out and discontinue public roads and highways that are wholly within their townships subject to all the rules and regulations now in force, and the county commissioners only shall have the right to lay out and discontinue public roads that extend into two or more townships: *Provided further*, that the right of way of all public roads and highways shall not be less than twenty-two feet wide, and in opening new roads not more than five jurors shall be summoned or required.

Authority of county commissioners.

Proviso.
Right of way.

Jurors.

SEC. 4. That each and every chairman of county commissioners, board of county commissioners, justice of the peace or board of township trustees who shall neglect or refuse to perform the several duties enjoined by this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned or both, in the discretion of the court, and it is hereby made the duty of the solicitors to prosecute all offences against the provisions of this section.

Neglect of duty by commissioners, township trustees, &c.

Misdemeanor.

SEC. 5. That the township trustees of the several townships of this State shall, on the first Monday of May next, or within four weeks thereafter, divide their respective townships into suitable road districts, and annually thereafter may make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plot of his road district. The trustees of each township at their May meeting, and annually thereafter, shall elect one supervisor for each road district; supervisors so elected shall take an oath faithfully and impartially to discharge the duties of said office, and the township trustees may require a bond of such supervisor, payable to the State of North Carolina in trust for said township in such sum as they may determine with security to be by them approved, conditioned for the faithful

Townships to be divided into road districts.

Township trustees to elect supervisor for each district.
Supervisors to take oath.
To give bond.

Penalty for refusal of supervisor to serve.

discharge of the duties of said office, and on refusal or neglect to qualify and serve, shall forfeit and pay the sum of twenty dollars and cost, to be collected by the township trustees in an action of debt. Money so collected shall go into the road fund of the township, and be credited to the proper road district.

Vacancy.

SEC. 6. That when any vacancy shall occur in the office of supervisor by death, resignation or otherwise, the trustees of the township wherein such vacancy occurs shall appoint some suitable person to fill such vacancy. The person so appointed shall before entering upon the duties of his office take an oath to faithfully and impartially discharge the duties of his office, and shall be under the same restrictions and penalties as though he had been duly elected and qualified.

Duties of supervisor.

SEC. 7. That it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repairs, and remove or cause to be removed all obstructions that may from time to time be found thereon; for which purpose the supervisors are hereby authorized to enter upon any uncultivated land, or improved lands unincumbered by crops, near to or adjoining such roads, to cut and carry away timber, except trees or groves on improved land planted or left for ornament or shade; to dig or cause to be dug and carried away any gravel, sand or stone which may be necessary to make, improve or repair said road; and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands and the improvements thereon and timber as the nature of the case and the public good will permit; and the drains and ditches so made shall be conducted to the nearest water course, and shall be kept open by such supervisors, and shall not be obstructed by the owner or occupier of

Authorized to enter upon land and cut timber.

To dig gravel, &c.

To make drains, &c.

Drains, &c., not to be obstructed by owner of land.

such lands or any other person or persons having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each and every offence, to be collected by the supervisor and paid over by him to the township trustees and applied to the road fund of the township. Penalty

SEC. 8. That all able-bodied male persons, and all male persons able to perform, or cause to be performed, the labor herein required, between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of this state, shall be liable annually to do and perform four days' labor on the highways, under the direction of the supervisor of the road district in which he shall reside: *Provided further*, that if any person, being warned as hereinafter provided, shall pay to the supervisor in whose district he may reside the sum of four dollars, the same shall be received in lieu of the four days' labor, and shall be applied by the supervisor receiving the same to the improvement of the roads of his district, and accounted for as hereinafter provided. Who liable to work on roads. Proviso. Relief from work on payment of four dollars.

SEC. 9. That it shall be the duty of every supervisor to order out every such person, resident as aforesaid, between the first day of February and the first day of December, annually, to do and perform the work aforesaid on public roads within the district; and if any such resident being personally warned by such supervisor, or by leaving a written notice at his usual abode, shall refuse or neglect, having had at least two days' notice, to attend by himself or substitute to the acceptance of the supervisor, or having attended shall refuse to obey the directions of the supervisor, or shall spend the time in idleness or inattention to the duties assigned him, every such delinquent shall forfeit and pay the sum of one dollar for every such offence, and shall further be liable in all cases of non-attendance to the amount for four days' work, to be recovered by action before any justice of the peace of the proper township at the suit of the supervisor within Supervisor to order out persons liable to work. Penalty for refusal or neglect to work.

Misdemeanor.	whose district he may reside; and shall also be guilty of a misdemeanor and fined not exceeding five dollars or imprisoned not exceeding five days; and the money so collected shall be applied by said supervisors to the improvements of the roads in his district, and accounted for by him at the annual settlement with the township trustees: <i>Provided</i> , that no person shall be released from the performance of labor on the public highways by reason of the neglect of any supervisor to order out such person on or before the first day of December, as herein provided.
Application of money collected.	
Proviso.	
Persons removing from one road district to another.	SEC. 10. That in case any person shall remove from one district to another, who has prior to such removal performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a complete discharge for the amount therein specified.
When persons called upon to work to appear.	SEC. 11. That any person called upon to perform any labor upon the public roads and highways under any provision of this act, shall by himself or substitute appear at the place appointed by the supervisor at the hour of seven o'clock in the forenoon, with such necessary tools and implements as the supervisor may direct; and the supervisor may if necessary for the improvements of the road, order any person owning the same to furnish a team of horses, mules or oxen, and wagon, cart, plow or scraper, to be employed and used on the roads under the direction of the supervisor.
To bring tools, &c.	
To furnish team, &c.	
Residence.	SEC. 12. That for the purpose provided for in the preceding sections of this act, the residence of any person who has a family shall be held to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in this state.
Supervisors to collect fines, &c.	SEC. 13. That the several supervisors, within their respective districts, shall collect, by suit or otherwise, all

finer, forfeitures and penalties arising and accruing under the provisions of this act, unless the collection thereof is otherwise herein provided for; and they are hereby authorized and required, before their settlement with the township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this act from whom such fines, forfeiture or penalty, in the opinion of the supervisor, can be collected by execution; and the said judgments if not paid, together with the cost thereon, shall remain and be in force against the judgment debtor as other judgments at law.

SEC. 14. That the several supervisors shall expend all moneys by them collected for the benefit of the roads and highways in their respective districts; and every supervisor is hereby required to account to the township trustees at the annual settlement for all moneys expended under this act; and they shall also return a full and true list and statement of the names of all persons within their respective districts who have been ordered out to perform the four days' labor as required by this act, and of those who have refused or neglected to perform the same; and all fines and forfeitures sued for and recovered under the provisions of this act, shall be paid over on demand by the justice of the peace or constable collecting the same to the supervisor of such road district wherein such fines or forfeitures accrued; and the several supervisors shall also render an account to the township trustees at the annual settlement of all moneys that remain in their hands at the time of the settlement; also all judgments that remain unpaid, and the name of the judgment debtor and the justice of the peace before whom such judgments were obtained, with the amount thereof; and the township trustees shall make such order as to the prosecution of the suits by the supervisor of the proper district against such delinquents as in the judgment of the trustees the interest of the township may require.

Money collected to be expended by supervisors for benefit of roads.

To account with township trustees

To return list of persons ordered out, &c.

Fines, &c., to be paid to supervisor

Supervisors to render account of money on hand, judgments, &c.

Money in hands of supervisor to be paid to his successor in office.

SEC. 15. That all the moneys that may remain in the hands of any supervisor at the time of the annual settlement with the trustees shall be paid over to his successor in office as soon as such successor shall be elected and qualified, taking a receipt therefor, and deposit said receipt with the township trustees. It shall be lawful for any supervisor to sue out executions on any judgment that remains unpaid within his proper district, at any time when in his opinion the same can be collected; and the money so received and collected shall be expended as provided in the foregoing section.

Supervisor to sue out execution on unpaid judgments.

Supervisors to construct foot bridges.

SEC. 16. That the supervisors of roads and highways within this State be and are hereby authorized to construct foot-bridges over streams of water on said highways.

To erect guide-boards.

SEC. 17. That each supervisor within his district shall erect and keep up, at the expense of the township, at the forks of cross-roads of every state and county road, a post and guide board or finger board, containing an inscription in legible letters, directing the way and distance to the town or towns, or public place or places, situated on each road respectively.

Penalty for destroying or injuring guide-boards.

SEC. 18. That if any person shall wilfully demolish, throw down, alter or deface any guide-board, every person so offending shall, upon conviction thereof before any justice of peace of the proper county be fined in any sum not exceeding ten dollars and cost of suit; and the money when collected shall be by the justice of the peace collecting the same, paid over to the supervisor in whose district the offence was committed, and be by him applied to the repair of the roads and highways within his district.

Township trustees to furnish plows, &c.

SEC. 19. That the township trustees of the several townships within this State be and they are hereby authorized to furnish plows and scrapers for the use of [the] several districts within their township to be paid for out any moneys in the township treasury not otherwise appropriated. The township trustees shall take a receipt

from each supervisor for such implements as they may deliver to him, showing the number, kind and condition thereof, and such supervisor shall be liable for any injury or damage that may result to such implements, or [to] any of them, by improper use thereof, or by unnecessary exposure to the weather during the time the same may be in his possession; and he shall, on the first Monday of May annually return the same to said trustees. The amount for which such supervisor may be liable for such improper use or neglect may be recovered by action in the name of the township trustees.

Supervisor liable for injury to plows, &c.

SEC. 20. That the trustees of any township in this state are hereby authorized to provide and maintain suitable places for procuring water for persons and animals on the public highways in such townships: *Provided*, that not more than fifty dollars shall be expended in any one township in any one year for such purpose, to be paid out of any moneys in the township treasury not otherwise appropriated.

Township trustees to provide places for procuring water.

Proviso.

SEC. 21. That the commissioners of the respective counties in this state are hereby authorized to levy at the June session of their board annually for road and bridge purposes not less than seven-tenths of a mill, nor more than five mills on the dollar, and the chairman of the county commissioners shall place the same on the tax duplicate of the current year, to be included in and collected in the annual taxes; and the commissioners shall set apart such portions of the road tax by them levied as they may deem proper, to be applied to the building or repairing of the bridges in their respective counties, which proportion as set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county, by the chairman of the county commissioners, in a separate column from other levies for road purposes and shall be collected in money and expended under the direction of the commissioners of the county in the building or repairing of bridges or both. That if

County commissioners to levy tax for building and repairing bridges.

Additional road
tax

the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied upon the taxable property of their respective townships not exceeding three mills on the dollar and shall certify the same to the chairman of county commissioners in writing on or before the first Monday of August in each year, and the chairman of county commissioners shall assess the same on the taxable property in the township not included in any city, town or incorporated village, and the same shall be collected as other taxes and paid out as hereafter provided.

Notice of tax.

SEC. 22. That the chairman of county commissioners, immediately after the commissioners at their annual session for that purpose have determined the amounts to be assessed for road purposes in their respective counties, shall give notice in some newspaper in general circulation in the county of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and townships and that the said tax may be discharged by labor on the roads under the direction of the supervisors of the several districts, and shall make out a list of the name of each taxpayer, of the amount of the road tax with which each stands charged, and transmit the same to the supervisor of the proper district.

Tax payable in
labor, &c.

SEC. 23. Any person charged with a road tax may discharge the same by labor on the public highways within the district where the same is charged within the time designated in this act, at the rate of one dollar per day and a ratable allowance per day for any team, implements and material furnished by any person under the direction of the supervisor of such district, who shall give to such person a certificate specifying the amount of tax so paid, and the district and township wherein such labor was performed, which certificate shall in no case be given for any greater sum than the tax charged against such person, and the county treasurer shall receive all such certificates as money in

the discharge of said road tax. All road taxes collected by the county treasurer shall be paid over to the township trustees of the proper township. The township trustees in determining the division of this fund shall be governed not by the miles of road in each district, but by necessities of the roads, the convenience of getting material, the quantity of material necessary to make substantial repairs, etc., and thus make a just and equitable division of said fund between the several districts.

Road taxes paid to township trustees.

How paid.

SEC. 24. That any land-holder through whose land any state, county or township road is now or may be hereafter laid out and established, is hereby authorized, under the direction of the supervisor of the proper district, to construct a passway or passways, either under or over such roads, so as to permit the stock of such land-holder to pass and repass: *Provided*, that such passway or passways shall not be constructed over or under any road within the limit of the outlots of any city, town or village and shall not hinder or obstruct the travel on such roads: *Provided further*, that the said passway or passways shall be kept in good repair at the expense of such land-holder.

Passways across road.

Proviso.

Proviso.

SEC. 25. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor in work performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing of such receipt or certificate, shall forfeit for every such offence not less than ten nor more than fifty dollars, to be recovered by an action before any justice of the peace of the proper county; and it is hereby made the duty of the township trustees to prosecute all offences against the provisions of this section: *Provided*, that if any supervisor conceives himself aggrieved by the judgment of such justice of the peace, he may, on giving sufficient security to said justice of the peace for the payment of the cost, appeal to the

Neglect of duty by supervisor.

Penalty.

Proviso.

Superior Court, who shall make such order therein as to them may appear just and reasonable.

Unlawful to work road not established by law.

SEC. 26. That it shall be unlawful for any supervisor to perform or cause labor to be performed on any road not regularly laid out and established by law.

Supervisor to give certificate to owner of timber cut, gravel taken, &c.

SEC. 27. That each and every supervisor who shall cut and take any timber, stone or gravel for the purpose of making, improving or repairing any road or building, or repairing any bridge or crossway within his district, shall on the demand of the owner of the lands, their agent or agents, or the guardian of any ward, or the executor or administrator having lands in charge, from which timber, stone or gravel were taken aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

Certificates to be presented to county commissioners.

SEC. 28. That any person or persons who shall receive a certificate, as provided for in the foregoing section, shall present the same to the county commissioners of the proper county, at any regular session of said commissioners within twelve months after the taking and carrying away of such timber, stone or gravel, and the commissioners being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the county treasury; but if not so satisfied they shall determine what sum in their opinion would be just.

To be paid out of county treasury.

Compensation of supervisor.

SEC. 29. That each supervisor shall receive for his services one dollar per day for the time actually employed on the roads, deducting the commutation for his four days' labor and five per cent. of the taxes worked out under him. Supervisors having charge of not more than twenty-five hands shall not receive more than twelve dollars in any one year, and no supervisor having a greater number shall receive more than twenty-five dollars in any one year, and be paid out of the county treasury.

Supervisor to remove obstructions.

SEC. 30. That at any time during the year when any public highway shall be obstructed, it shall be the duty

of the supervisor of the district in which the same may be forthwith to cause such obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work or pay tax upon the public highways of his district as he may deem necessary to remove said obstructions. If the person or persons thus called out shall have performed their four days' labor upon the public highways, or paid their road tax, the supervisor shall give to such person or persons a certificate for the amount of labor performed, and said certificate shall apply on the labor or tax that may be due from such person or persons the ensuing year.

SEC. 31. That if any person or persons, corporations, Penalty for obstructing roads, &c. or any conductor of any train of railroad cars, or any other agent or servant of any railroad company shall obstruct unnecessarily any public road or highway authorized by any law of this State by permitting any railroad car or cars or locomotive to remain upon or across any public road or highway for a longer period than five minutes, or shall permit any timber, wood or other obstructions to remain upon or across any such road or highway to the hindrance or inconvenience of travellers, or any person or persons passing along or upon such road or highway, every person or corporation so offending shall forfeit and pay for every such offence any sum not exceeding twenty nor less than five dollars, and shall be liable for all damages arising to any person from such obstruction or injury to such road or highway, to be recovered by an action at the suit of the trustees of the township in which such offence shall have been committed, Action for damages. or any person suing for the same before any justice of the peace within the county where such offence shall have been committed, or by indictment in the Superior Court in the proper county. And all fines so accruing under the provisions of this section, when collected, shall be paid over to the supervisor of the district in which such offence was committed, and by the super-

visor applied to the improvement of the roads and highways therein; and every twenty-four hours such corporation, person or persons as aforesaid, after being notified, shall suffer such obstructions to the hindrance or inconvenience of travellers or any person or persons going along or upon such road or highway, shall be deemed an additional offence against the provisions of this act.

Railroad company, &c., liable for obstruction of road by servant, &c.

SEC. 32. That every railroad company or other corporation, the servant or servants, agent or agents, employee or employees of which shall in any manner obstruct any public road or highway, shall be liable to pay all fines which may be assessed against such servant or servants, agent or agents, employee or employees for so obstructing any such public road or highway, and such liability as may be enforced by execution issued against such railroad company or other corporation on the judgment rendered against such servant or servants, agent or agents, employee or employees, for so obstructing such public road or highway.

Unlawful for railroad company to obstruct drainage

SEC. 33. It shall be unlawful for any railroad company to obstruct the drainage of any public road or highway by its road bed or otherwise, or empty the water from its ditches into any public road or highway; and if any railroad company, being warned by the supervisor of the proper district by leaving a written notice with any station agent, or informing any station agent of the said railroad company personally, shall refuse or neglect to remedy the same to the acceptance of the supervisor, shall forfeit and pay any sum not exceeding fifty nor less than twenty dollars to be recovered by an action at the suit of the township trustees before any justice of the peace in the proper county, and every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offence shall be deemed an additional offence against the provisions of this act; and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so

Penalty.

paid over shall be used by said supervisor for the improvement of the roads in his district and accounted for in his annual settlement.

SEC. 34. All persons confined in the county jail, either under sentence of court for crime or imprisonment for the non-payment of fines or cost, shall be available to the county commissioners for the purpose of working them upon the public roads of the county; and upon the application of any supervisor having an order from the county commissioners, it shall be the duty of the jailer or sheriff having such prisoners in his custody to deliver them to the supervisor, who shall be responsible for their safe keeping and return; and in case of the escape of any of the said prisoners the sheriff of the county or jailer shall be exonerated from liability therefor; and it shall be lawful for the sheriff, at the request of the county commissioners, to retain all prisoners in the jail who have been sentenced to the penitentiary, except those required by law to be kept in the penitentiary, and said prisoners shall be available to the county commissioners for the purpose of working upon the public roads of the county.

Certain prisoners to work roads.

To be delivered to supervisors.

Sheriff not liable for escape.

Sheriff to retain certain convicts for work on roads

SEC. 35. It shall be lawful for the county commissioners to farm out the prisoners aforesaid to any person or persons to work on the highways and public roads and furnish said person or persons all necessary shackles, implements and tools, and may allow said person or persons not exceeding thirty cents per day for such prisoner to be paid out of the county treasury, and said person or persons shall give bond with security payable to the State of North Carolina in trust for the proper county in such sum as the commissioners may determine for complying with their contract: *Provided*, the sum shall not be less than twenty dollars for each prisoner. The person or persons aforesaid shall bear all other expenses, and shall be further liable as hereafter provided.

County commissioners authorized to farm out prisoners to work roads.

Proviso.

SEC. 36. The prisoners shall do no work on the highways and public roads unless said work has been marked

When prisoners to work roads.

Compensation. out by the supervisor of the proper road district, and the prisoners employed in working the public roads shall be allowed so much per day as in the opinion of the supervisor their services are worth, which amount shall be credited to them in the county charges against them.

Escape. SEC. 37. If any prisoner shall escape from the custody of the supervisor or those who have such prisoners in charge, he or they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, or be imprisoned not less than ten days nor more than thirty days.

Misdemeanor. Travellers meeting on road to go to the right. SEC. 38. Whenever any persons shall meet each other on any bridge or road travelling with carriages, wagons, or other vehicles, each person shall reasonably drive his carriage or vehicle to the right of the middle of the travelled part of such bridge or road, so that the respective carriages or other vehicles aforesaid may pass each other without interference; every person wilfully offending against the provisions of this section shall for each offence forfeit a sum not exceeding five dollars, to be recovered on complaint before any justice of the peace in the county where the offence shall have been committed; and he shall further be liable to any party for all damages sustained by reason of such offence: *Provided*, that every such complaint shall be made within three months after the offence shall have been committed, and that every such action for damages shall be commenced within twelve months after the cause of action shall have accrued.

Penalty. Proviso. SEC. 39. It shall be the further duty of each supervisor to cause each railroad company to construct and keep in good repair the road-bed of all public roads across the road-bed of said railroad company; and if any railroad company, being duly warned by the supervisor of the proper district by leaving a written notice with any station agent, or by informing any station agent of said railroad company personally, shall neglect or refuse to construct or repair said road-bed to the acceptance of the su-

Railroad companies to keep crossings in good repair.

pervisor, shall forfeit any sum not exceeding fifty nor less Penalty than thirty dollars, to be recovered by an action at the suit of the township trustees before any justice of the peace in the proper county, and the money so collected shall be paid to the supervisor of the district in which the provisions of this section were violated, and the money so paid over shall be used by said supervisor for the improvement of the roads in his district, and accounted for in his annual settlement; and every five days such railroad company, after being duly notified, shall neglect or refuse to construct or repair said road-bed shall be deemed an additional offence against the provisions of this act. The trustees of the several townships at their regular May session in each year, may reduce the number of working days in each year as prescribed in section eight of this act, to three days' labor.

SEC. 40. That it shall be lawful for the supervisor of Road districts bordering on other states. road districts bordering on the State line between North Carolina and any adjoining State, where a public highway has been located upon such state line in accordance with and under the provisions of the laws of the State of North Carolina, to apply the labor of said district upon said roads in the same manner as on other roads located within the boundaries of this State; and in case any public road is or shall be established as a part of the line or Roads forming part of the boundary line of townships, cities, &c. boundary of any township or incorporated village or city, the trustees in such adjoining township or townships and council of such incorporated village or city, as the case may be, shall meet at some convenient place as soon after the first Monday in May as convenient, and apportion such road between the townships or township and village or city as justice and equity may require, and the trustees in the respective townships or village or city council shall cause said road or roads to be opened and improved accordingly.

SEC. 41. The supervisors shall furnish the chairman of the county commissioners of the proper county on or be-

Supervisors to furnish list of persons liable to work roads to chairman county commissioners.
Road tax list to be furnished by chairman county commissioners.

fore the second Monday of August a true and correct list of all persons liable for road tax in their respective districts. The names of all persons on the general tax list not reported by the supervisors shall with the tax due by each be transmitted by the chairman of the county commissioners to the chairman of the board of township trustees, to be by him transmitted to the supervisors of the proper districts.

Compensation of sheriff for collecting road tax.

SEC. 42. The sheriff shall receive five per cent. only on such part of the road tax as they actually collect in money, and the county commissioners shall allow their chairman such compensation as to them may seem just and proper for the extra duties imposed on said chairman by this act, to be paid out of the county treasury: *Provided*, that such compensation shall not exceed three dollars *per diem* and five cents mileage for each day actually employed, and the commissioners shall furnish the necessary books and blanks for the use of the township trustees and supervisors of their respective counties.

Of chairman county commissioners for extra duties.
Proviso.

Secretary of state to furnish copies of this act.

SEC. 43. The Secretary of State shall furnish the chairman of county commissioners with a sufficient number of printed copies of this act for the use of the supervisors and township trustees of the proper counties.

Act not applicable to cities, &c. Taxes, &c., under act of March 13, 1879, remitted.

SEC. 44. This act shall not apply to any incorporated city or village, and any labor or tax levied or required of any citizen of any city or incorporated village by an act relating to roads and highways, ratified the thirteenth day of March, 1879, is hereby remitted.

Act only applicable to Mecklenburg, Stokes, and Forsyth counties.

SEC. 45. This act shall only apply to the counties of Mecklenburg, Stokes and Forsyth, and all acts or parts of acts in conflict with this act are hereby repealed, and this act shall be in force from and after the first day of May next.

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 20.

AN ACT TO CHANGE THE TIME OF HOLDING THE COURTS IN
THE FOURTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact :

SECTION 1. That the regular time of holding the courts ^{Courts in fourth judicial district.} in the fourth judicial district shall be held at the following times, to-wit:

Moore—on the first Monday in February and August, Moore.
to continue two weeks if necessary.

Harnett—on the third Monday in February and August, Harnett.
to continue two weeks if necessary.

Cumberland—on the second Monday after the third Monday in February and August, to continue two weeks
if necessary. ^{Cumberland.}

Bladen—on the fourth Monday after the third Monday in February and August. ^{Bladen.}

Columbus—on the fifth Monday after the third Monday in February and August, and to continue two weeks
if necessary. ^{Columbus.}

Brunswick—on the seventh Monday after the third Monday in February and August. ^{Brunswick.}

Johnston—on the eighth Monday after the third Monday in February and August, and to continue two weeks
if necessary. ^{Johnston.}

Robeson—on the tenth Monday after the third Monday in February and August, to continue two weeks if necessary. ^{Robeson.}

Anson—on the twelfth Monday after the third Monday in February and August, to continue two weeks if necessary. ^{Anson.}

Richmond—on the fourteenth Monday after the third Monday in February and August, and to continue two weeks if necessary. ^{Richmond.}

Act to take effect
July 1st, 1880.

SEC. 2. That this act shall take effect on the first of July, eighteen hundred and eighty.

SEC. 3. All laws in conflict with this act are hereby repealed.

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 21.

AN ACT TO AMEND THE CHARTER OF THE AUGUSTA AND CHARLOTTE AIR-LINE RAILWAY COMPANY.

The General Assembly of North Carolina do enact :

Agreement of consideration between the Georgia Air-Line R.R. Co., the S. C. Air-Line R. R. Co., and the N. C. Air-Line R. R. Co., declared to be a part of the charter of the Atlanta & Charlotte Air-Line R. R. Co.

SECTION 1. That the agreement of consideration entered into between the Georgia Air-Line Railway Company, the South Carolina Air-Line Railway Company and the North Carolina Air-Line Railway Company, executed twelfth May, eighteen hundred and seventy-seven, now on file in office of the secretary of state, shall be and the same is hereby declared to be a part of the charter of the said "The Atlanta and Charlotte Air-Line Railway Company."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of said agreement are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 22.

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF EDGE-
COMBE COUNTY TO PAY CERTAIN SCHOOL CLAIMS.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of education of Edgecombe, Brunswick, Pender and Washington counties shall at the time prescribed by law for distribution of the public school funds for said counties in the year eighteen hundred and eighty, ascertain the amount of outstanding and unpaid school drafts that have been issued for teachers' wages prior to the first day of November, one thousand eight hundred and seventy-eight, in accordance with law; and shall notify the school committees of the several districts by advertisement at the court house of the amount of claims outstanding against each several district, together with the amount then due the same, having regard to the distinction between the white and colored schools; and it shall be the duty of the treasurer of said counties to pay the said old drafts out of any school money in his hands belonging to the district or districts upon which said draft or drafts were drawn.

Board of education in Edgecombe, Brunswick, Pender and Washington counties to ascertain amount of outstanding school drafts.

How paid.

SEC. 2. It shall not be lawful for the school committees of any districts on which said drafts are charged to issue drafts to teachers for larger sums than shall remain after said outstanding debts shall have been paid.

What drafts to be issued by school committees.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 27th day of March, A. D. 1880.

CHAPTER 23.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-SEVEN, SECTION ONE, OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

Chap. 257, § 1, acts
8179, (concerning
judgments
against infants,
&c.), amended.

SECTION 1. That section one, chapter two hundred and fifty-seven of the laws of eighteen hundred and seventy-nine, be amended by striking out the words after "therein," in line thirteen, to "provided," in line nineteen of said section.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 24.

AN ACT FOR THE PROTECTION OF CROPS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact :

Owner of real
estate entitled to
exclusive use of
his own soil.

SECTION 1. Every owner of real estate is, and shall be, lawfully entitled to the entire and exclusive use of his own soil; and every entry upon lands unless by leave of the owner thereof shall be unlawful.

Unlawful to per-
mit live stock to
enter upon land
of another with-
out leave.

SEC. 2. No person shall permit any of his live stock to go or enter upon the lands of another without having obtained leave from the owner of such lands.

Rev. Code, ch. 34,
§ 40, ch. 48, § 1;
Bat. Rev., ch. 32,
§ 43, ch. 48, § 1;
acts 1879, ch. 185,
§ 3, repealed.

SEC. 3. The following laws are repealed, to-wit: section forty of chapter thirty-four, and section one of chapter forty-eight of the Revised Code; section forty-three of chapter thirty-two, and section one of chapter forty-eight

of Battle's Revisal; and section three of chapter one hundred and thirty-five of the public laws of the year one thousand eight hundred and seventy-nine.

SEC. 4. The board of commissioners for Rowan county may by resolution suspend the operation of this act in any locality whenever said board shall think proper, and shall have authority to revoke such resolution at any time.

Commissioners of Rowan county authorized to suspend operation of this act.

SEC. 5. This act shall be in force from and after the first day of September, in the year of our Lord one thousand eight hundred and eighty, and shall apply to the county of Rowan only: *Provided* That this act shall not go into effect until the county of Rowan shall have constructed a lawful fence, four and a half feet in height along the line which separates the counties of Rowan and Stanly.

Act applicable only to Rowan county.

Proviso

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 25.

AN ACT FOR THE RELIEF OF BEAUFORT COUNTY.

WHEREAS, the board of county commissioners for the county of Beaufort at their regular meeting on the first Monday in March, eighteen hundred and eighty, passed an order requesting their members in the general assembly of North Carolina, in case the said general assembly do enter into general legislation at its extra session, to pass an act for the relief of said Beaufort county—

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Beaufort county are authorized and empowered, at their discretion, to levy

Commissioners of
Beaufort county
authorized to
levy a special tax.

a special tax to an amount not exceeding four thousand dollars per annum for a term not exceeding four years, beginning eighteen hundred and eighty and ending eighteen hundred and eighty-four, for the purpose of paying the entire indebtedness of said county.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 27th day of March, A. D. 1880.

CHAPTER 26.

AN ACT TO PROVIDE FOR THE SALE OF THE STATE'S INTEREST IN THE WESTERN NORTH CAROLINA RAILROAD COMPANY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Commissioners
appointed to
make sale

SECTION 1. That the Governor, Treasurer, Secretary of State, and Attorney General of the State of North Carolina be and they are hereby appointed commissioners on the part of said State to sell, assign, and transfer all the right and interest of the State in and to the railway, stock, property and franchises of the Western North Carolina Railroad Company, in accordance with the provisions of this act.

Commissioners
to execute con-
veyance to W. J.
Best and others.

SEC. 2. That said commissioners are hereby authorized and directed to execute an instrument purporting to convey, and which, when delivered to the grantees in pursuance of the provisions hereinafter contained, shall be a deed effectual to convey, to William J. Best, William R. Grace, James D. Fish, and J. Nelson Tappan, subject to the charter of said company and the amendments thereto, which shall be in force at the date of the ratification of this act, all the interest of said State in and to the stock,

Effect of convey-
ance.

ways, railways, road-bed, right of way, depot grounds, and other lands belonging to the same; all rails, bridges, viaducts, culverts, fences, depot station houses, engine houses, car houses, wood houses, freight houses, machine shops, and every other building or structure thereunto belonging, held, owned or used by said railroad company in conducting the business thereof; also all locomotives, tenders, cars and other rolling stock, all equipments, machinery, tools, implements, fuel, supplies, and material for constructing and operating the railroad of said company or any part thereof; together with all and every its corporate rights and franchises, and all and every right, estate, interest, property, claim, and demand whatsoever appertaining or in anywise belonging to said railroad company, and all statutory claims or liens of said state against or upon the property and franchises of said company; which said instrument shall be deposited by said commissioners with the United States Trust Company of New York, as an escrow, to be delivered to the grantees therein named, upon the fulfillment of the terms and conditions hereinafter specified, taking from said Trust Company a receipt setting forth the purpose and conditions of said deposit.

Property thereby conveyed.

Conveyance to be deposited with the U. S. Trust Co. of New York, as an escrow.

When to be delivered.

SEC. 3. That said instrument shall be made, and shall express upon its face that it is made, subject only to a mortgage deed of the aggregate amount of eight hundred and fifty thousand dollars, (\$850,000), and mortgage bonds of equal amount issued thereon, which said mortgage was executed under and by authority of an act of the General Assembly of North Carolina, entitled "An act in relation to the Western North Carolina Railroad Company," ratified the thirteenth day of March, eighteen hundred and seventy-five.

Conveyance to be made subject to mortgage debt of \$850,000.

SEC. 4. That the interest on said bonds shall be paid by the said grantees, or their assigns, from and after the ratification of this act, and if paid elsewhere than at the treasury of the State, the interest coupons, as soon as

Interest on mortgage bonds to be paid by grantees.

Grantees empowered to settle mortgage debt for less than its face value.

Grantees to execute contract. To pay the interest upon the mortgage bonds.

And to finish the road to western termini.

Road to be completed to Paint Rock by July 1st, 1881.

And to Murphy by January 1st, 1885.

When work to be begun.

State to continue work on road until grantees take possession.

Grantees to repay state moneys therefor expended.

Remuneration of state for convict labor.

paid, shall be forwarded to the Treasurer of the State for cancellation. And nothing in this act shall be construed to prevent said grantees or their assigns from settling and discharging of record said mortgage deed and the bonds issued thereon, for a sum less than the face or par value thereof, and any sum saved in the settlement or compromise of said mortgage shall inure to the benefit of said grantees or their assigns.

SEC 5. That on or before the depositing of said instrument of conveyance with the said United States Trust Company, said grantees shall deliver to said commissioners a written contract signed by themselves and binding them to said State to pay the interest on the said bonds as the same shall accrue and to finish the railroad of said Western North Carolina Railroad Company to its western termini at Paint Rock and the Georgia or Tennessee State line near Ducktown, according to the charter of said Company, and all acts amendatory thereof, and that said railroad be completed and put in operation to Paint Rock on or before the first day of July eighteen hundred and eighty-one, and to Murphy, in the county of Cherokee, on or before the first day of January, eighteen hundred and eighty-five; and that the work upon the said road shall be begun within two months from the date of the ratification of this act, and carried on with diligence and energy until completed to Ducktown and Paint Rock.

SEC. 6. That the work upon said road shall be continued by said State as heretofore up to the time when said grantees or their assigns, shall take possession of the same, and all the moneys expended by said State from and after the ratification of this act, up to and including the day upon which said grantees or their assigns, shall assume control, shall be paid by them on or before the delivery of possession. And the remuneration of said State for the convict labor employed upon said road within

the periods named shall be computed at the rate of one hundred and twenty-five dollars per capita per annum.

SEC. 7. That during the construction of said railroad, and until the same shall be completed as aforesaid, said State shall furnish to said grantees or their assigns, not less than five hundred able bodied convicts, who shall be under the supervision of an officer appointed by the Board of Directors of the State Penitentiary, and said grantees or their assigns shall pay to said State for and in consideration of the services of said convicts one hundred and twenty-five dollars per capita per annum, which shall include the board, clothing, maintenance, supervision, and all other expenses, payable quarterly: that is to say, on the first day of May, August, November and February in each and every year.

State to furnish convicts to grantees.

Grantees to pay \$125 per capita for convicts.

SEC. 8. That upon the execution and delivery of said contract by said grantees, they shall reorganize the said company as a new corporation by the name of the Western North Carolina Railroad Company upon the basis of a capital stock of four million of dollars, which shall be considered and deemed preferred stock; and there shall be set aside and reserved of said stock, for the benefit of the private stockholders of the Western North Carolina Railroad Company as the same may exist at the date of the ratification of this act, the sum of two hundred and twelve thousand five hundred dollars (\$212,500), which stock shall be divided pro rata between said private stockholders, according to the number of shares of the stock of the said last mentioned company respectively held by them: *Provided*, That said company, by a majority vote of the stockholders in interest may issue second or common stock to an amount not exceeding fifteen thousand dollars per mile of said road; and said company as reorganized shall be governed by a board of nine directors who shall be elected by a majority vote of the stockholders in interest.

Company to be reorganized as a new corporation. Name.

Capital stock.

\$212,500 of stock to be set aside for private stockholders. To be divided pro rata.

Proviso.

SEC. 9. That after its reorganization, said company may

Authorized to execute mortgage deeds to secure bonds issued to aid the construction and equipment of road.

To be registered in Rowan county.

Such registration declared valid for all purposes.

Proviso.

Sale under mortgage.

Bonds issued under first mortgage not to exceed \$15,000 per mile.

Condition to be expressed in the body of mortgage and bonds.

Proviso.

execute and deliver mortgage deeds with power of sale, to such trustee or trustees as may be selected by the Board of Directors, conveying the railroad, property and franchises, including road bed, superstructure, equipment and all the real and personal estate of said company to secure the payment of such bonds and the interest thereon, as the same shall become due, as it may issue to aid in the construction, completion and equipment of said railroad; and said mortgage deeds, when duly executed, may be recorded in the register's office, in Rowan county, and their registration in that county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding: *Provided*, that no sale under the mortgage deeds herein authorized shall be made by virtue of any decree of foreclosure, or of any power of sale contained therein, without giving ninety days' notice thereof in three newspapers published in the state of North Carolina.

SEC. 10. That the bonds to be issued under the first of said mortgage deeds shall not exceed the sum of fifteen thousand dollars per mile for each mile of road finished and ready for operation, and said mortgage and bonds shall have expressed in the body thereof that they are issued for the purpose of completing the said railroad, and that the mortgage cannot be foreclosed for either principal or interest until said railroad shall have been completed to Paint Rock and Murphy: *Provided*, that until the eight hundred and fifty thousand dollars of bonds now outstanding shall have been paid, the aggregate of bonds authorized to be issued as provided in this section shall be less than the amount named above by the sum of eight hundred and fifty thousand dollars. And neither by this act nor by the contract to be made by authority hereof, shall the first lien of the mortgage now upon said road as security for said bonds be affected or impaired.

SEC. 11. That the bonds to be issued by said reorganized company shall run for a period not exceeding thirty years, and shall bear interest at the rate of six per cent. per annum, payable semi-annually on the first day of January and July; and said bonds shall begin to bear interest on the first day of January, 1881, and not earlier.

Bonds to run not exceeding thirty years.

Interest

SEC. 12. That of said first mortgage bonds there shall be delivered to the Treasurer of said State the sum of five hundred and fifty thousand dollars (\$550,000), par value, in payment for the disbursements of said State on account of said Company; and until the delivery of said bonds, said State shall retain the lien it now has upon the property of the company as provided by law.

\$550,000 mortgage bonds to be delivered to state treasurer.

State to retain present lien until delivery of bonds

SEC. 13. That any second or subsequent mortgage that may be executed and the bonds that may be issued thereunder, shall have expressed in the body thereof the like provision that they are issued for the purpose of completing said railroad, and cannot be foreclosed until the same shall have been completed to Paint Rock and Murphy.

Second and subsequent mortgages.

SEC. 14. That Thomas J. Jarvis, Zebulon B. Vance and John M. Worth, be, and they are hereby, appointed commissioners to examine the work upon said road, and in the event of the death, resignation or disability of any one of them, then the survivors shall, with the approval and concurrence of said grantees or their assigns, select a successor, who shall be clothed with the same powers and duties as his predecessor, and the same as often as such vacancy or disability shall occur. The expenses of said commissioners shall be borne by said company, and the pay of the commissioners is hereby fixed at ten dollars per diem, each, exclusive of actual traveling expenses.

Commissioners to examine work.

Vacancy.

Expenses of commissioners. Compensation.

SEC. 15. That said commissioners shall, from time to time, and certainly as often as ten miles of said road shall be put in running order, examine the work thereon; and, in case of failure of said grantees, or their assigns, to conduct the same according to the terms of their said contract, to give due notice thereof to the Governor of said

Duties of commissioners.

Decisions of commissioners binding upon state and grantees. State and to the United States Trust Company of New York. The decision of a majority of said commissioners as to any matter entrusted to them by this act shall be binding alike upon said State and said grantees, or their assigns.

On failure of grantees to perform contract, grants hereby made to become void. SEC. 16. That in case the said grantees or their assigns shall fail to carry out and perform their said contract, all the grants hereby intended to be made to them shall become and be null and void. And upon notification of

On notice of failure U. S. Trust Co. to surrender conveyance. such failure by the said commissioners, the said Trust Company shall surrender to the governor of said State, or his duly accredited agent, the instrument of conveyance so as aforesaid deposited with said Company, but no damages shall be recoverable against the said grantees for any breach of said contract.

No damages recoverable against grantees for breach of contract. SEC. 17. That upon notification by the said commissioners to the governor, that the said grantees or their assigns, have failed for the period of ninety days to comply with and perform their said contract, the governor shall notify said grantees and their assigns immediately to proceed to complete the said railroad according to their said contract; and should they fail to do so for a period of thirty days from the date of such notice, the governor shall then appoint six directors, who, together with the directors to be chosen by the private stockholders, and the said grantees or their assigns, as hereinafter provided, shall elect one of their number president, and such other officers as may be necessary, and shall at once enter into the possession, control and management of the said railroad, its property, franchises and appurtenances, and shall conduct, prosecute and complete the said work as by law may be directed. And at the time of the appointment of such directors the governor shall call a meeting of the private stockholders of said company to assemble at such time and place as he may designate, and when assembled they may, by a vote of a majority of the private stock, proceed to elect three directors to co-operate in

On failure of grantees to perform contract, directors to take possession of road. Number and appointment of directors. Meeting of private stockholders

the organization, management and control of said company.

SEC. 18. That if said grantees or their assigns shall fail to observe and perform their said contract, and the said railroad, property and franchises shall come again into the possession and control of the State as before provided, all that part of said road from Salisbury to Paint Rock, together with the property, real and personal, including rolling stock and equipments thereunto appertaining or belonging, shall be free and discharged of any and all liens, claims and demands whatsoever, saving and excepting the lien of eight hundred and fifty thousand dollars (\$850,000) now outstanding against said road, and a lien for the actual and necessary amount expended by the said grantees or their assigns, in building, repairing and equipping said road between Salisbury and Paint Rock, and a lien for the bonds to be delivered to the state in payment for disbursements as provided in section twelve of this act, and the amount of said expenditures for constructing, repairing and equipping said road from Salisbury to Paint Rock shall not exceed in the aggregate the sum of eight hundred and fifty thousand dollars, (\$850,000); and the holders of this indebtedness, whether in bonds or other evidences of debt, shall have no other lien on said railroad from Salisbury to Paint Rock than that given them under this act; and shall have no other power, right or remedy to enforce the same except by an actual foreclosure of said mortgage, as provided for in this act. And until the said lien of the said grantees and their assigns for their said expenditures shall be discharged, the said grantees, or their assigns, may appoint three directors to co-operate in the construction and management of said railroad; and whenever the said lien shall be discharged, the right of the said grantees and their assigns to appoint directors shall cease, and the governor shall then appoint nine directors instead of six.

On the failure of grantees to perform contract and surrender of road.
What liens to subsist.

Character of lien.

Grantees to appoint three directors until the discharge of their lien.

SEC. 19. That this act shall be notice to all persons fur-

Act notice to persons furnishing material or performing labor upon road.

nishing material for, or performing labor upon, said railroad or its property while under the management of said grantees and their assigns, and said railroad property and franchises, when returned to the possession of the State, shall be free of all liens and liabilities on account of such labor and material save only so far as the interest of said grantees and their assigns therein may be concerned.

No discrimination in the matter of transportation rates to be made against N. C. towns and cities.

SEC. 20. That said company shall not discriminate against North Carolina towns and cities, in the matter of transportation rates, and that no discrimination shall be made between the towns and cities of North Carolina.

When road completed to Asheville force to be put to work on Ducktown line.

SEC. 21. That when the railroad of said company shall have been completed to Asheville, a force shall be put to work on the Ducktown line and a sufficient force shall be kept at work to complete it as far as Pigeon river by the time the branch shall be finished to Paint Rock, and this provision shall be embodied in the aforesaid contract of said grantees.

When conveyance to be delivered to grantees.

SEC. 22. That upon the certificate of the said commissioners that the said railroad has been completed according to the said contract, the United States Trust Company of New York shall deliver to the said grantees, or their assigns, the instrument deposited with said Company as provided in the second section of this act as the deed and effectual conveyance of the State.

When commissioners to allow grantees an extension of time.

SEC. 23. That should the said grantees, or their assigns, be hindered or delayed by any cause for which they are in no wise responsible, then the said commissioners shall allow a reasonable extension of time for the completion of said lines of road.

Floating debt to be paid in cash.

SEC. 24. That the floating debt of said company not to exceed thirty thousand dollars, contracted since the purchase of the road by the State in eighteen hundred and seventy-five, shall be paid by the said grantees in cash, and the amount of mortgage bonds to be delivered to the State as provided in section twelve of this act shall be reduced by the amount so paid.

SEC. 25. That sections twelve and forty-eight and all after the word "disabilities," in line thirty-seven of section twenty-nine, of chapter two hundred and twenty-eight, laws of eighteen hundred and fifty-four and eighteen hundred and fifty-five, and section seven of chapter one hundred and six, laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, and all laws making appropriations or extending aid to the Western North Carolina Railroad Company, and all laws in conflict with this act, be and the same are hereby repealed: *Provided, however,* if the said grantees shall fail to execute the contract as provided for in section five and begin work upon said railroad, the laws now providing for the employment of convicts upon said road and their support shall continue in force until further provided for by law; and the State shall have the same lien for such labor of said convicts as is now given by law.

Acts 1854-'55, ch. 228, §§ 12, 48, and part of § 29; acts 1876-'77, ch. 106, § 7, and all conflicting laws repealed.

Proviso.

SEC. 26. This act shall be in force from and after its ratification.

Read three times in general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 27.

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF GRADED SCHOOLS IN THE TOWN OF SALISBURY AND IN THE TOWNSHIP OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners for the town of Salisbury are hereby authorized to submit to the qualified voters of said town at such time and under such rules and regulations as the said commissioners may prescribe, whether an annual tax shall be levied therein for the sup-

Question to be submitted to voters of the town of Salisbury.

port of one or more graded schools in said town. That such qualified voters, at such election, are authorized to vote on written or printed ballots the words "for school" and "against school;" and the penalties for illegal and fraudulent voting in this election shall be the same, as in the annual elections for mayor and commissioners of the town of Salisbury.

Ballots.
When tax to be levied.

How levied.
Tax collector.

Proviso.

SEC. 2. In case a majority of the qualified voters at such election shall be in favor of such tax, the same shall be levied and collected by the town authorities under the same rules and regulations by which other town taxes are levied and collected; and the tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, that the special taxes so levied and collected shall not exceed for the first year one-fourth of one per cent. on the value of property, and seventy-five cents on the poll; and for each succeeding year shall not exceed one-fifth of one per cent. on the value of property, and sixty cents on the poll; and that the taxes thus levied and collected shall be applied exclusively for the support of "graded public schools," and shall not be appropriated or expended for any other purpose: *And provided further*, that all the taxes which shall be levied by said town for all purposes in any one year shall not exceed one-half of one per centum on property, and one dollar and fifty cents on the poll.

Taxes collected from whites to be used for maintaining school for whites.

Taxes collected from colored persons to be used for maintaining school for colored persons.

Proviso.

SEC. 3. The special taxes thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school for white persons of both sexes between the ages of six and twenty-one years; and the special taxes thus levied and collected from the taxable property and polls of colored persons shall be expended in keeping up a graded public school for colored persons of both sexes, between the ages of six and twenty-one years: *Provided*, that the "Salisbury graded school committee" shall have power to re-

ceive into the graded school for white persons any white pupil of either sex, without regard to age: and shall also have the power to admit to the graded school for colored persons any colored pupil of either sex, without regard to age.

SEC. 4. If a majority of the qualified voters of the town of Salisbury shall vote "for school" the commissioners for said town at their next regular meeting, and their successors in office at their first regular meeting in the month of June next, and annually thereafter shall elect three gentlemen of integrity and ability, qualified voters of said town, to constitute "the Salisbury Board of Education and Learning," and the said "Salisbury Board of Education and Learning," the school committee of school district No. 27, of Rowan county, and the mayor of the town of Salisbury, who *ex-officio* shall be chairman, but have no vote except in case of a tie, shall be, and are hereby created, a body corporate by the name of the "Salisbury Graded School Committee," which shall have full control and management of the "Salisbury Graded Schools;" and each member of said "Graded School Committee" shall continue in office until his successor shall be elected or appointed and qualified.

Commissioners to appoint "Salisbury board of education and learning."

Salisbury graded school committee incorporated.

SEC. 5. The "Salisbury Graded School Committee" may sue and be sued, have a common seal, purchase and hold real and personal property not exceeding fifty thousand dollars in value, and may adopt any rules and regulations for its government not inconsistent with the laws of North Carolina.

Corporate powers

SEC. 6. The principals and teachers of such graded public schools, shall not be subject to the restrictions and limitations as to salary prescribed by section fifty-one of chapter sixty-eight, of Battle's Revisal; but may be paid such compensation as the "Salisbury Graded School Committee" may deem just and proper.

Salaries of principals and teachers.

SEC. 7. The commissioners for the town of Salisbury shall be authorized to sell, upon such terms as they may

Commissioners authorized to sell school house lot and purchase another.

deem proper, the school house lot belonging to said town situated at the corner of Council and Church streets, adjacent to the English Cemetery, and may purchase such other lot or lots in behalf of said town of Salisbury, and may erect such buildings upon the same as they may think proper for the use of the public graded schools of said town.

Question to be submitted to voters of Goldston township.

SEC. 8. The board of commissioners for the county of Wayne, if, in their discretion, they may deem it advisable, is hereby authorized, with the assent of a majority of the qualified voters of the township of Goldsboro, to establish a graded school for white children, and a graded school for colored children in said township. The special taxes which may annually be levied for such schools shall not exceed one-fifth of one per cent. on property, and sixty cents on the poll. An election shall be held in said township on the first Monday in May, anno domini eighteen hundred and eighty, to determine whether a majority of the qualified voters of said township will assent to the payment of such annual special taxes for the purposes aforesaid. Each qualified voter shall vote a written or printed ballot with the words "for school" or "no school," and the election shall be conducted under the same rules, regulations and penalties as is prescribed by law for the election of members of the general assembly. The sheriff of the county of Wayne shall collect the taxes authorized by this section and his duties and liabilities shall be the same as is now provided by law for the collection and disbursement of the state and county taxes. The board of commissioners for Wayne county and the board of commissioners for the town of Goldsboro shall make such rules and regulations for the government of said graded schools, as they may in their discretion determine, not inconsistent with the laws of North Carolina. The taxes raised from the property and polls of white persons shall be appropriated exclusively to a graded school for white persons, and the taxes raised from the property and polls

Special tax.

Election.

Ballots.

Taxes to be collected by sheriff of Wayne county.

Rules for the government of schools.

Taxes raised from whites to be used for maintaining school for whites; and from colored persons for maintaining school for colored persons.

of colored persons shall be appropriated exclusively to a graded school for colored persons.

SEC. 9. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified this 29th day of March, A. D. 1880.

CHAPTER 28.

AN ACT TO PREVENT LIVE STOCK FROM RUNNING AT LARGE WITHIN ROWAN, DAVIE, CABARRUS AND OTHER COUN- TIES.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and thirty-five, laws of eighteen hundred and seventy-nine, be amended by inserting the word "Person" between the word "Rowan" and the word "Davie," so as to read "the counties of Rowan, Person, Davie," etc.

Chap. 135, § 1, acts
1879, amended.

Person county
added.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 29.

AN ACT TO ALLOW L. M. LONG, LATE TAX COLLECTOR OF HALIFAX COUNTY, TO COLLECT ARREARS OF TAXES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

The General Assembly of North Carolina do enact:

Authorized to collect arrears of taxes for 1878.

SECTION 1. That L. M. Long, late tax collector for the county of Halifax, be and he is hereby authorized and empowered to collect all arrears of taxes due from the tax payers of said county for the year one thousand eight hundred and seventy-eight under the rules and regulations now prescribed by law for the collection of arrears of taxes by sheriffs.

Authority expires Jan. 1, 1881.

SEC. 2. That the power herein granted shall cease and determine on the first day of January, one thousand eight hundred and eighty-one.

SEC. 3. That this act shall take effect from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 30.

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE, ENTITLED "AN ACT TO PROVIDE FOR KEEPING IN REPAIR THE PUBLIC ROADS OF THE STATE."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-two of the laws of eighteen hundred and seventy-nine, entitled "an act to pro-

vide for keeping in repair the public roads of the State," be amended as follows: That the meeting of the board of supervisors as provided in said act shall be held on the first Saturday of February and August instead of the first Mondays of February, May, August and November, and the members of the said boards of supervisors shall be compelled to examine the roads in their respective townships only once during the year, which said examination and inspection shall be made during the week of their meeting in August. All the duties now required by law to be performed by the board of supervisors at their meetings in February and May shall be performed at the meeting in February, and all the duties now required by law to be performed by said board of supervisors at their meetings in August and November shall be performed at their meeting in August, with the penalties for failure to perform any one of said duties as now provided by law: *Provided, however,* that no supervisor shall receive any compensation for his services as supervisor of public roads.

Chap. 82, acts
1879, amended.
Meetings of board
of supervisors.

Examination of
roads.

Proviso.

SEC. 2. Amend section four by striking out at the end of said section the words "not less than three days in each and every year," and insert the following: "but no person shall be compelled to work more than six days in any one year, except in case of damage resulting from a storm: *Provided,* that ten days instead of six days be the limit as to the counties west of the Blue Ridge.

Section 4 amend-
ed.
Liability to work
roads.

Proviso.

SEC. 3. Amend section five of said act by striking out at the beginning of said section the words "the overseer of the road shall for at least three days in the year summon the hands of his section to work on the road," and insert the following: "The overseer of the road shall as often as the condition of the road shall require, subject to the limitation in the preceding section, summon the hands of his section to work on the road, but the said hands shall not be required to work continuously for a longer time at any one working than two days, and at

Section 5 amend-
ed.
When overseer to
summon hands to
work roads.

least fifteen days shall intervene between workings, except in case of special damage to the road resulting from a storm.

Section 7 amended.
Proviso.

SEC. 4. Amend section seven by adding thereto the following: "*Provided*, that nothing herein contained shall prevent the overseer of the road from prosecuting at any time after the offence has been committed, any hand for failure to work on the road, and such cases of prosecution shall be stated in his report to the board of supervisors, that they may not prefer another prosecution for the same offence."

Overseers of water courses.

SEC. 5. Such water courses as are now required by law to be kept open by the residents along such courses, shall have overseers appointed and hands allotted to the parts of such water courses lying in their respective townships by the board of supervisors at the time and under the same regulations as is provided for public roads. Said water courses are to be kept open for the purpose of navigation, and only so many hands as are necessary for this purpose shall be allotted by the boards of supervisors, and work beyond what is necessary for the purpose of keeping such water course open for navigation shall not be required of the overseers or the hands.

Water courses to be kept open.

Width of roads.

SEC. 6. All roads except such as are causewayed or through cuts shall be not less than eighteen feet wide, clear of trees, logs and other obstructions to the passage of ordinary vehicles, and there shall be ten feet in width in the centre of the roadway, clear of stumps and runners: *Provided*, this section shall not apply to the roads in those counties where there is by law classification of the widths of the roads.

Proviso.

Meetings of supervisors for 1880.

SEC. 7. The board of supervisors shall for this present year, hold their meeting in May as now provided by law and perform all the duties at such meetings now prescribed by law.

Laws in conflict repealed.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby re-

pealed: *Provided*, nothing in this act shall apply to the ^{Proviso.} counties of Jackson, Macon, Clay, Cherokee, Graham, ^{Act not applica-} Swain, Haywood, Ashe, Transylvania, Alleghany, Meck- ^{ble to certain} lenburg, Watauga, McDowell, Forsyth, Yancey, Stokes, ^{counties.} Henderson, Buncombe and Madison.

SEC. 9. That the public roads of Forsyth and Stokes ^{Public roads of} shall be worked exclusively under the provisions of chap- ^{Forsyth and} ^{Stokes.} ter eighty-three, laws of eighteen hundred and seventy-nine, as amended at this special session and all laws in conflict with this section are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 31.

AN ACT TO REENACT AN ACT TO RUN AND ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF GREENE AND WAYNE.

The General Assembly of North Carolina do enact:

SECTION 1. That John I. Herring, M. T. Johnston, Wm. ^{Commissioners} A. Darden and Jno. D. Grimsley be and they are hereby ^{appointed.} appointed commissioners to run and establish the dividing line between the counties of Greene and Wayne according to an act of the general assembly passed at the session of seventeen hundred and seventy-nine, entitled an act for dividing the county of Dobbs, and that the line thus established by said commissioners shall be held and ^{To establish line} considered as the dividing line between the said counties of Greene and Wayne.

SEC. 2. And should said commissioners be unable to ^{Disagreement of} agree upon said line then they shall have power to choose ^{commissioners.}

Proviso.

a fifth person who shall act as an umpire, and the decision of a majority shall be final: *Provided*, a report of said decision be returned to the board of county commissioners for the counties of Greene and Wayne and confirmed by the same.

Expense to be paid jointly by Greene and Wayne counties.

SEC. 3. The expense incurred by running and establishing said line shall be paid jointly by the said counties of Greene and Wayne.

SEC. 4. This act shall be in force from and after its ratification.

Read three times and ratified in general assembly, this the 29th day of March, A. D. 1880.

CHAPTER 32.

AN ACT TO AMEND CHAPTER EIGHTY OF THE PRIVATE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE, CONCERNING COTTON WEIGHERS.

The General Assembly of North Carolina do enact:

Ch. 80, § 1, private laws 1879, amended.
Cotton weigher for Tarboro.

SECTION 1. That section one, chapter eighty of the private laws of eighteen hundred and seventy-nine, shall be and the same is hereby amended by inserting after the word "Goldsboro," in the second line of said section, the word "Tarboro."

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 33.

AN ACT TO PREVENT THE FELLING OF TREES BELOW SOUTH-
WEST BRIDGE IN WEST BRANCH OF NEW RIVER IN ONSLOW
COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to
fell any trees, brush or other obstructions calculated to
impede the water below the south-west bridge in south-
west branch of New river in Onslow county.

Unlawful to fell
trees, &c., in
southwest branch
of New river in
Onslow county.

SEC. 2. Any person violating this act shall be deemed
guilty of a misdemeanor, and on conviction shall be fined
not more than ten dollars or imprisoned not more than
thirty days at the discretion of the court.

Misdemeanor.
Penalty.

SEC. 3. This act shall be in force from and after May
first, Anno Domini eighteen hundred and eighty.

Ratified this the 29th day of March, A. D. 1880.

CHAPTER 34.

AN ACT TO PROTECT THE FISH INTEREST IN NORTH CARO-
LINA.

The General Assembly of North Carolina do enact :

SECTION 1. That no person or persons shall place or al-
low to remain in the Chowan river between Holliday's
Island and the Virginia line ; in the Meherrin river be-
tween its mouth and the Virginia line ; in the Roanoke
river from the mouth of Cashie river to the Virginia line ;
in the Dan river from the crossing of the state line to a
point nearest Danbury ; in the Tar river from Washing-
ton to Louisburg ; in the Neuse river from New Berne to

Unlawful to
maintain dam in
certain rivers
without provid-
ing a sluice-way
for the passage of
fish.

Neuse station in Wake county; in Contentnea Creek from its junction with the Neuse to the junction of Turkey and Moccasin creeks; in the Cape Fear river from Wilmington to the junction of Haw and Deep rivers and thence in Haw river to the line of Chatham and Alamance counties, and also in Deep river to the Randolph and Chatham line; in Rocky river from its mouth to the crossing of the Pittsboro and Ashboro Road; in the New Hope river from its mouth to the Orange county line; in North East Cape Fear river from Wilmington to South Washington; in Black river from its mouth to the junction of the Coheras; in the South river from its junction with the Black river to the crossing of the Fayetteville and Warsaw public road; in Lumber river from the state line to the northern bound[a]ry of Robeson county; in the Yadkin river from the state line to Patterson's Factory; in Elk creek, a tributary of the Yadkin river, from its mouth to Daniel Wheeler's in Watauga county; in Ararat river from its mouth to the bridge at Mount Airy; in the Catawba river from the state line to a point in said river nearest to Old Fort; in Linville river from its mouth to Linville Falls; in North Fork of Catawba from its mouth to Turkey Cove; in Broad river from the state line to Reedy Patch Creek; in Green river from its mouth to its junction with North Pacolet; in the Tennessee river from the state line to its junction with the Nantihala; in Pigeon river from the state line to the Forks of Pigeon; in the French Broad river from the state line to Brevard's and in the Swannanoa river; in Toe river from the state line to the confluence of the North and South Forks of Toe; in New river from the state line to the point of divergence from the western boundary line of Alleghany county; in Little river in Johnston county from its junction with Neuse river in Wayne county to the Wake county line; Cain river from the mouth of same to mouth of Bolling Creek in Yancey county, also Old Fields of Toe on N. Toe river in Mitchell county, any dam for mill or

factory purposes unless the owner or owners thereof shall construct thereon at his or their own expense a sluice-way for the free passage of fish, of a width not less than three feet nor more than ten feet: *Provided*, that such sluice-way shall be constructed according to plans and specifications to be furnished by the Fish Commission, and shall not injure the water power of such owner: *And provided further*, that in order to ascertain whether sluice-way will or will not injure the water power aforesaid the owner or owners of such dam may select two disinterested persons and the Fish Commission two others who may select the fifth person to aid in the arbitration and settlement of such complaint: *And provided further*, this act shall not apply to Pigeon river in Haywood county. No seine shall run from the mouth of Black river on the Cape Fear river between Fayetteville and said mouth more than half way the channel; and no floating or shad drift-net shall run between Fayetteville and Wilmington from Friday evening sunset until Monday morning sunrise.

SEC. 2. That such sluice-way shall be constructed and placed upon such dams by the owner or owners thereof within sixty days after notice has been given by the Fish Commission under a penalty of one hundred dollars per day for each day thereafter that such dam shall remain without such sluice-way, and shall be kept open by him or them during the months of February, March, April, May, June, October and November, and at all other times when there is sufficient water to supply both the water power and sluice-way, a fine of fifty dollars per day for each day said sluice-way shall be allowed to remain closed, and any person who shall fish with net, trap, hook and line, or who shall take in any way whatsoever, any fish within two hundred feet of said sluice-way shall be subject to a fine of one dollar for each fish so taken, or a fine of fifty dollars (\$50) for each offence or imprisonment for thirty days.

SEC. 3. That no other obstruction to the passage of fish shall exist or be built between the designated points in

Proviso.

Proviso.

Proviso.

Sluice-way to be constructed by owner of dam.

Penalty for failure.

To be kept open during certain months.

Penalty for failure.

Unlawful to fish, &c., within 200 feet of sluice-way.

Penalty.

All obstructions
in streams to
have openings.

the streams hereinbefore mentioned unless an opening of not less than twenty-five feet and not more than seventy-five feet embracing the main channel of said streams, shall be made by the owner or owners of such obstructions within twenty days after notice from the Fish Commission to make such opening under penalty of (\$50) fifty dollars per day for each day such obstruction shall remain unopened. Said notice shall be served by the sheriff of the county and his return shall be *prima facie* evidence of notice in any suit for such penalty.

Penalty.

Unlawful to ob-
struct the wash-
arounds at cer-
tain dams on
Cape Fear river.

SEC. 4. No person or persons shall obstruct or continue existing obstructions in the wash-arounds at the old navigation dams on the Cape Fear river in the county of Har- nett, without leaving open at least one-third of such wash-arounds in the deepest part thereof for the free passage of fish. Any person or persons placing any obstruction continuing any existing obstructions, in such wash-arounds, ten days after the ratification of this act shall be deemed guilty of a misdemeanor, and, after conviction thereof before any magistrate, shall be fined ten dollars, (\$10.)

Penalty.

Fines and penal-
ties collected
under this act.

SEC. 5. That one-half of fines and penalties collected for violation of any of the provisions of this act shall go to the informer and the other half to the public school fund of the county where suit is brought.

SEC. 6. This act shall be in force from and after its rati- fication.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880

CHAPTER 35.

AN ACT TO AMEND CHAPTER SIXTY-NINE OF BATTLE'S RE-
VISAL.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter sixty-nine of Battle's Revisal be amended by inserting in section twenty-third of said chapter after the word "resides," in line five, the following :
 "or whose husband shall have been declared an idiot or lunatic." And after the word "deed" in said section, line seven, "or from the date of such idiocy or lunacy, and during its continuance."

Chap. 69, § 23, Bat.
Rev., amended.Wives of idiots or
lunatics made
free-traders.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this 29th day of March, A. D. 1880.

CHAPTER 36.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS
WITHIN FIVE MILES OF HADNOT CREEK, BETHLEHEM AND
OAK GROVE CHURCHES, CARTERET COUNTY, NORTH CAR-
OLINA.*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to sell or dispose of any spirituous liquors within five (5) miles of Hadnot, Bethlehem and Oak Grove churches, Carteret county, and any person or persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than twenty-five dollars, or be imprisoned not exceeding thirty days, at the discretion of the court, for each offence.

Unlawful to sell
liquor within
five miles of
certain churches
in Carteret coun-
ty.

Penalty.

SEC. 2. This act shall be in force from and after its ratification.

Read three times and ratified this the 29th day of March, A. D. 1880.

CHAPTER 37.

AN ACT FOR THE BETTER PROTECTION OF NAVIGATION IN THE WATERS OF THE ALBEMARLE SOUND AND ITS TRIBUTARIES.

Preamble.

WHEREAS, there are many obstructions to navigation left in the waters of the Albemarle sound and its tributaries by lumbermen : therefore

The General Assembly of North Carolina do enact :

Lumbermen required to remove obstructions.

SECTION 1. That all lumbermen are hereby required to remove all obstructions which they place in said waters as soon as practicable after they have ceased to use them for the purpose for which they were placed in said waters. Said obstructions to be removed from all places where the water is two feet deep and over, and at all landing places said obstructions shall be moved for the space of sixty feet on each side of said landings from the shore outward.

Penalty for failure.

SEC. 2. Any person failing to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than fifty dollars at the discretion of the court.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 29th day of March, A. D. 1880.

CHAPTER 38.

AN ACT TO AMEND SECTION ONE, CHAPTER TWO HUNDRED AND SIXTY, ACTS OF EIGHTEEN HUNDRED AND SEVENTY-SIX AND EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND TO PROHIBIT THE SALE OF LIQUORS WITHIN TWO MILES OF MANN'S CHAPEL, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and sixty, acts of eighteen hundred and seventy-six and eighteen hundred and seventy-seven be amended by adding after the word "Dare" at the end of the section, "except at Nag's Head Hotel during the months of June, July, August and September." Chap. 260, § 1, acts 1876-'77, amended. Nag's Head hotel.

SEC. 2. That it shall be unlawful for any person to sell any spirituous or malt liquors within two miles of Mann's Chapel in Chatham county. Mann's Chapel.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 39.

AN ACT TO CONSTRUER AN ACT TO PROHIBIT THE SALE OF LIQUOR WITHIN TWO AND ONE-HALF MILES ($2\frac{1}{2}$) MILES OF HANKS' CHAPEL IN CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the act heretofore passed prohibiting the sale of spirituous liquors within two and a half miles of Hanks' chapel church in Chatham county shall not be Not to apply to any territory east of New river.

construed to extend to any territory on the east side of Haw river.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this 29th day of March, A. D. 1880.

CHAPTER 40.

AN ACT CONCERNING TAXATION AND REVENUE.

The General Assembly of North Carolina do enact :

Chap. 70, acts 1879,
amended.

Class 2, sec. 2,
corporations.

Sec. 18, sewing
machine agents.

Sec. 22, peddlers.

SECTION 1. That section two, of class two, of chapter seventy, of the laws of the year one thousand eight hundred and seventy-nine, page eighty-four, be amended by inserting the words "before or," after the word "act," in line three of said section.

SEC. 2. Section eighteen of said chapter seventy, page eighty-nine, is hereby amended by inserting the word "two," after the word "twenty," in line eight of said section.

SEC. 3. Section twenty-two of said chapter seventy, page ninety-one, is amended as follows: Strike out all after the word "that," in line thirteen, down to and including the word "viz," in line seventeen, page ninety-one.

Amend said section by striking out all after the word "government," in line twenty-seven, down to and including the word "music" in line thirty, and substituting in lieu thereof the following: "Nothing in this section shall prevent any person from freely selling, under this section, any live stock, vegetables, chestnuts, peanuts, fruits, oysters, milk, butter, fish, charts, maps, printed music, bibles, hymn-books, or prayer-books."

SEC. 4. Amend section twenty-five of said chapter sev.

enty, page ninety-three, by striking out the word "twenty-one," in line sixteen, and substitute in lieu thereof the word "twenty-two."

Sec. 25, drummers.

SEC. 5. Amend chapter seventy-one of the laws of eighteen hundred and seventy-nine, by striking out the word "medical," in sub-section seven, page one hundred and seven, and insert in lieu thereof the word "musical."

Chap. 71, acts 1879, amended.
Sec. 9, sub-sec. 7, musical instruments.

SEC. 6. Amend section sixteen of said chapter seventy-one, page one hundred and eleven, by striking out the words "bound in book form with paste-board backs."

Sec. 16, tax books.

SEC. 7. Amend section seventeen of said chapter seventy-one, by striking out the word "August," in line three, and inserting in lieu thereof the word "July," page one hundred and eleven.

Sec. 17, duty of assessors at large.

SEC. 8. Amend section eighteen of said chapter seventy-one, by striking out the words "third" and "August," in line four, page one hundred and eleven, and inserting in lieu thereof the words "second" and "July."

Sec. 18, abstract of tax lists.

SEC. 9. That all the sections of said chapter seventy-one, after section eighteen, page one hundred and eleven, be re-numbered consecutively.

Sections re-numbered.

SEC. 10. That section nineteen, as re-numbered, of said chapter seventy-one, page one hundred and twelve, be amended by striking out the words "fourth" and "August," in lines three, twenty-one, and twenty-two, and inserting in lieu thereof the words "second" and "July."

Sec. 19, revision of tax lists.

SEC. 11. That the word "returned" in re-numbered section thirty of said chapter seventy-one, line two, page one hundred and eighteen, be stricken out, and the following words be substituted in lieu thereof, viz: "completed by the commissioners and deposited with him."

Sec. 30, abstract of tax lists.

SEC. 12. Amend re-numbered section thirty-one of said chapter seventy-one, page one hundred and eighteen, by striking out the word "forty-one," in line four, and inserting in lieu thereof the word "forty-two."

Sec. 31, penalty for failure to make return.

SEC. 13. That re-numbered section forty-five, of said chapter seventy-one, page one hundred and twenty-seven,

Sec. 45, compensation of sheriffs for settlement of state taxes.

be stricken out, and the following new section be substituted in lieu thereof: "For his settlement with the state treasurer, the sheriff or tax collector shall be paid three dollars for each day he may be actually and necessarily engaged therein with the commissioners at the county seat, and ten cents per mile by the usual route of travel, for twice the distance between the court house and the place designated by the state treasurer, to be paid by him on the warrant of the auditor, upon the certificate of the sheriff or tax collector, duly verified before the board of commissioners."

SEC. 14. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 41.

AN ACT FOR THE RELIEF OF THE BONDSMEN OF F. J. SATCHWELL, LATE SHERIFF AND TAX COLLECTOR OF BEAUFORT COUNTY.

Preamble.

WHEREAS, F. J. Satchwell, late sheriff and tax collector of Beaufort county, has failed to settle the public taxes as required by law with the treasurer of Beaufort county; and

WHEREAS, his official bondsmen are required to settle the same; and

WHEREAS, the amount due the state has been paid and satisfactory arrangements made with the commissioners of Beaufort county by said bondsmen; and

WHEREAS, there are now outstanding and unpaid upon the various tax-lists of said county, state and county taxes which have not been paid, extending over the period when said Satchwell was sheriff of said county, to-wit: September

first, eighteen hundred and seventy, to December first, eighteen hundred and seventy-eight:

The General Assembly of North Carolina do enact:

SECTION 1. That P. P. Wilkerson, the present tax-collector appointed by the commissioners of said county or such person as they may appoint in his stead is hereby invested with all the qualifications and powers of a sheriff of said county (under existing laws) for the collection of all taxes outstanding and unpaid upon the tax assessment books for the years eighteen hundred and seventy to eighteen hundred and seventy-eight inclusive, and said tax-collector shall collect the same in same manner as the sheriff under the present law.

P. P. Wilkerson
empowered to
collect unpaid
taxes.

SEC. 2. The amounts collected shall be paid to treasurer of said county monthly, who shall apply them to the payment of the amount due by said Satchwell or his bondsmen to said county, and such surplus as shall remain shall be applied by said treasurer to the re-payment and indemnity of said bondsmen *pro rata* according to the amounts paid by them respectively.

Taxes collected to
be paid to county
treasurer and by
him applied to
payment of
amounts due by
Satchwell.

SEC. 3. Said commissioners upon application by said bondsmen or part thereof for good cause shall have power to remove said tax-collector and appoint some other person as his successor.

Removal of tax
collector.

SEC. 4. The said tax-collector shall have power to collect under this act until May first, eighteen hundred and eighty-one.

Authority to ex-
pire May 1st, 1881.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 29th day of March, A. D. 1880.

CHAPTER 42.

AN ACT TO AMEND SECTION FOURTEEN (14) CHAPTER ONE HUNDRED AND SEVENTEEN (117) OF BATTLE'S REVISAL IN RALATION TO WIDOWS' YEAR'S SUPPORT.

The General Assembly of North Carolina do enact :

Bat. Rev., ch. 117,
§ 14, amended.

SECTION 1. That section fourteen, chapter one hundred and sventeen of Battle's Revisal, be amended by adding to said section the following words: "and said allowance shall be exempt from any lien, by judgment or execution acquired against the property of her said husband."

Widows' year's
allowance.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 43.

AN ACT TO AMEND SECTION EIGHT, CHAPTER SEVEN, BATTLE'S REVISAL.

The General Assembly of North Carolina do enact :

Bat. Rev., ch. 7, §
8, amended.

Justices of the
peace permitted
to practice law in
Mecklenburg
county.

[SECTION 1.] That section eight, chapter seven, Battle's Revisal, be amended as follows, by adding at end of said section: "*Provided*, this section shall not apply to Mecklenburg county."

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 44.

AN ACT TO GIVE TO SUB-CONTRACTORS, LABORERS AND MATERIAL MEN A LIEN FOR THEIR JUST DUES.

The General Assembly of North Carolina do enact :

SECTION 1. That all sub-contractors, and laborers who are employed to or who furnish material for the building, repairing or altering any house or other improvement on real estate, shall have a lien thereon for the amount of such labor done or material furnished, which lien shall be preferred to the mechanics' lien now provided by law, when notice thereof shall be given as herein thereafter provided: *Provided*, that the sum total of all the liens due sub-contractors and material men shall not exceed the amount due the original contractor at the time of notice given.

Lien given to sub-contractors, laborers and persons furnishing material for improvements upon real estate.

Proviso.

SEC. 2. That any sub-contractor, laborer or material men, who claim a lien as provided in the preceding section, may give notice to the owner or lessee of the real estate who makes the contract for such building or improvement at any time before settlement with the contractor, and if the said owner or lessee shall refuse or neglect to retain out of the amount due the said contractor under the contract as much as shall be due or claimed by the sub-contractor, laborer or material man, the sub-contractor, laborer or material man may proceed to enforce his lien as is now provided by law, and after such notice is given no payment to the contractor shall be a credit on or discharge of the lien herein provided for.

Notice to be given to owner.

Liability of owner.

SEC. 3. That the provisions of chapter fifty-three, laws eighteen hundred and seventy-six and eighteen hundred and seventy-seven, and the act of which said chapter is amendatory, shall be applicable to the enforcement of the lien herein provided, except wherein the same is herein otherwise provided.

How lien to be enforced.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 45.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES," CHAPTER TWO HUNDRED AND THIRTY-TWO, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact:

Chap. 232, § 1, acts
1879, amended.

SECTION 1. That section one of chapter two hundred and thirty-two of the laws of eighteen hundred and seventy-nine, entitled "an act to prohibit the sale of intoxicating liquors in certain localities," ratified March thirteenth, Anno Domini eighteen hundred and seventy-nine, be amended by striking out the words "Orange county, University of North Carolina," and inserting in lieu thereof, "the corporate limits of Chapel Hill, Orange county, or within said village." The provisions of this act shall also apply to Terrence Chapel, in Mecklenburg county.

Chapel Hill.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 46.

AN ACT TO AMEND THAT PART OF CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE WHICH PROHIBITS THE SALE OF SPIRITUOUS LIQUORS, BITTERS OR ANY OTHER INTOXICATING DRINKS WITHIN THREE MILES OF CHOWAN FEMALE INSTITUTE.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and thirty-two of the laws of North Carolina for eighteen hundred and seventy-nine be and the same is hereby amended by inserting between the words "Chowan" and "Female" in the ninety-seventh line of the first section, the word "Baptist," so that it shall read "Chowan Baptist Female Institute."

Chap. 232, § 1, acts 1879, amended. —

Chowan Baptist Female Institute.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 47.

AN ACT TO CREATE A NEW TOWNSHIP OUT OF A PORTION OF CROWDER MOUNTAIN, DALLAS AND SOUTH POINT TOWNSHIPS IN THE COUNTY OF GASTON.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township is hereby created and established out of a portion of Crowder Mountain, Dallas and South Point townships in the county of Gaston, bounded as follows: Beginning at Spencer's ford on the south fork of the Catawba river near Spencer's Mountain

New Township created.

Boundaries.

running nearly a north direction up said south fork by Island Creek Colter's mills to where Long creek empties into said south fork about one-half mile from the beginning, thence with said Long's creek through a portion of Dallas township to White bridge on said creek, thence southwest of B. G. Bradley's, crossing Crowder's creek by R. F. Boyd's and west of Trinity church to Rev. E. E. Boyce's plantation on the south Carolina line including so much of said E. E. Boyce's land as lies in North Carolina, thence with the South Carolina line to where the Crowder's Mountain and South Point townships corner on said South Carolina line, thence south of Jackson's Knob to the beginning.

Powers, &c.

SEC. 2. That said township shall have all the powers and privileges now granted to other townships by law.

Name.

SEC. 3. That the name of said new township shall be called Gastonia township, and a voting place for the upper part shall be in the town of Gastonia and the lower box shall remain at Pleasant Ridge where it now is.

Voting places.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 48.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS
WITHIN TWO MILES OF ELKVILLE AND OTHER CHURCHES
IN THIS STATE.

The General Assembly of North Carolina do enact:

Sale of liquor
prohibited.

SECTION 1. That no person shall sell, or offer for sale, or give away for himself or as agent for another within two miles of Elkville in Wilkes county, Gibbs' Cross roads

in Cumberland county, and the Baptist church near Allen Hedding on Notla river in Cherokee county, whiskey, brandy or other intoxicating beverages of any kind whatever.

SEC. 2. That any person who shall violate the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than ten dollars for each separate offence or be imprisoned not to exceed thirty days. Misdemeanor.
Penalty.

SEC. 3. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 49.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE GRANVILLE RAILROAD COMPANY," RATIFIED THE THIRTEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three (3) of the acts of one thousand eight hundred and sixty-nine, ratified the thirteenth day of December, one thousand eight hundred and sixty-nine, and entitled "an act to incorporate the Granville Railroad Company," be amended as follows: In section one strike out "from Townsville or some other point on the Roanoke Valley Railroad," and insert "from any point on the Virginia state line." In same section strike out "fifteen hundred thousand" and insert "five hundred thousand." Chap. 3, acts 1869-70, amended.
Sec. 1, route.
Capital stock.

SEC. 2. That section two (2) be amended by inserting after "Lyon," "or a majority of them." Sec. 2, commissioners.

Sec. 3, general meeting of stockholders.

Directors.

Sec. 4, when subscriptions of stock to be paid.

Authority to issue bonds.

Lien on property and franchises of road.

Sec. 10, power to purchase or consolidate with other company.

SEC. 3. That section three (3) be amended by inserting "fifty thousand" in place of "one hundred thousand," and to authorize and empower the stockholders to elect five (5) directors with power and authority to elect one of their number president.

SEC. 4. That section four (4) be amended by striking out "first general meeting" and inserting "before commencing the construction of said road."

SEC. 5. That said company are hereby authorized, if it be found necessary for the construction, improvement, or keeping in repairs of said road, to issue coupon bonds of such denominations and value, and bearing such rate of interest, and payable at such time and places as the board of directors may determine, and such other evidences of indebtedness as the board of directors may determine, and said bonds and other evidences of indebtedness shall be a lien or mortgage on the said bed, iron, equipments, workshops, depots and franchises of the company, both corporate and of use.

SEC. 6. That section ten (10) be amended by adding after "thereof," "or to purchase or consolidate with any other railroad company or companies."

SEC. 7. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 8. This act shall be in force from its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 50.

AN ACT RELATING TO ROADS AND OTHER PUBLIC WORKS IN
THE COUNTY OF LENOIR.

The General Assembly of North Carolina do enact :

SECTION 1. That all persons confined in the county jail either under sentence of court, for crimes or imprisonment for the non-payment of fines or costs, shall be available to the county commissioners for the purpose of working them upon roads or other public works of the county, and upon the application of any officer duly appointed and having an order from the county commissioners for the same, it shall be the duty of the jailor or sheriff having such prisoners in his custody to deliver them to said officers, who shall be responsible for their safe keeping and return, and in case of the escape of any of the said prisoners the sheriff of the county or jailor shall be exonerated from all liability therefor, and it shall be lawful for the sheriff at the request of the county commissioners to retain all prisoners in the jail who have been sentenced to the penitentiary for a term not exceeding two years, and said prisoners shall be available to the county commissioners for the purpose of working upon roads and other public works in said county.

Prisoners to be available for working roads.

When and to whom jailor to deliver prisoners.

Sheriff not liable for escape.

Prisoners sentenced to penitentiary not exceeding two years available.

SEC. 2. The prisoners employed under the authority of this act shall be allowed so much per day as in the opinion of the county commissioners their services are worth, which amount shall be credited to them on the county charges against them.

Compensation of prisoners.

SEC. 3. The county commissioners shall make ample arrangements for the guarding, feeding, clothing, shelter and medical attention for all prisoners they may employ under the authority of this act, and the necessary expenses of the same shall be paid out of the taxes collected for general county purposes.

Commissioners to arrange for guarding, &c., prisoners.

How expenses paid.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, 1880.

CHAPTER 51.

AN ACT TO AMEND THE REVENUE LAW.

The General Assembly of North Carolina do enact:

Schedule B, § 10,
ch. 70, acts 1879,
amended.
Liquor dealers.

SECTION 1. That section ten, schedule B of the revenue act of eighteen hundred and seventy-nine be amended as follows: strike out "five per cent." and insert "two and a half per cent."

Sec. 11 amended,
retail liquor
dealers.

SEC. 2. That section eleven of said act schedule B be amended by striking out in said section, "five dollars per month," and inserting "two dollars and fifty cents per month," and by striking out of said section "three dollars per month," and inserting "two dollars per month."

Act not applica-
ble to present
fiscal year.

SEC. 3. That this act shall not be construed to impair the effect of the said revenue act for the present fiscal year.

Act to take effect
July 1st, 1880.

SEC. 4. That this act shall take effect after the first day of July, eighteen hundred and eighty.

Read three times in the general assembly, and ratified this the 29th day of March, 1880.

CHAPTER 52.

AN ACT IN REGARD TO THE COLLECTION OF TAXES IN
ROBESON COUNTY.*The General Assembly of North Carolina do enact :*

SECTION 1. That the time for the collection of taxes in Robeson county, by the tax-collector, be extended to July first, eighteen hundred and eighty. Time extended.

SEC 2. That this act be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 53.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-
TWO, LAWS OF ANNO DOMINI EIGHTEEN HUNDRED AND
SEVENTY-NINE.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and thirty-two, section one, line one hundred, of the laws of eighteen hundred and seventy-nine, be amended by striking out the word "McKenzie's" and inserting in lieu thereof the word "McKendrie's," so that it will read McKendrie's Chapel instead of McKenzie's Chapel. Chap. 232, § 1, acts 1879, amended. McKendrie's Chapel.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 54.

AN ACT TO AMEND THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE, CHAPTER ONE HUNDRED AND FOUR.

The General Assembly of North Carolina do enact :

Chap. 104, acts
1879, amended.
Number of con-
victs to be furn-
ished Rabun Gap
Short-Line Rail-
way.

SECTION 1. That the laws of eighteen hundred and seventy-nine be amended as follows: in chapter one hundred and four in line six strike out "fifty" before the word convict and insert "one hundred."

SEC. 2. This act shall be in force from its ratification.

Read three times in general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 55.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, LAWS OF EIGHTEEN HUNDRED AND SEVENTY-THREE AND EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT TO PROHIBIT THE SALE OF LIQUORS IN CERTAIN LOCALITIES."

The General Assembly of North Carolina do enact :

Chap. 107, acts
1873-'74, amended.

Certain localities
stricken out.

SECTION 1. That the words "the court house in Surry county," in lines sixty-five and sixty-six, and the words "Mount Airy and the Baptist Church in the town of Dobson," in lines seventy-four and seventy-five in chapter one hundred and thirty-seven be stricken out.

SEC. 2. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 56.

AN ACT TO AMEND CHAPTER FORTY, SECTION TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter forty, laws one thousand eight hundred and seventy-nine be and the same is hereby amended by striking out all of section two. Chap. 40, acts 1879, amended.

SEC. 2. That this act shall be in force from and after its ratification. Section 2 stricken out.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 57.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND NINETY-FOUR OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SIX AND EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, be amend- Chap. 194, § 1, acts 1876-'77, amended.

Wake and Granville added.

ed by inserting after the word "Forsyth" in said section the words "Wake and Granville."

SEC. 2. This act shall be in force from and after its ratification.

Read three times in general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 58.

AN ACT TO AMEND SECTION TWENTY OF CHAPTER SEVENTY OF THE LAWS OF EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

Chap. 70, § 20, acts 1879, amended.

Horse dealers.

SECTION 1. That section twenty of chapter seventy of laws of eighteen hundred and seventy-nine be and the same is hereby amended by striking out in the second line thereof the words "an annual tax of five dollars," and inserting in lieu thereof the words following, to-wit : "a tax of one-half of one per cent. on his amount of sales therein."

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified the 29th day of March, A. D. 1880.

CHAPTER 59.

AN ACT CONCERNING THE DRAWING OF JURORS IN WAKE
COUNTY.*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Wake county, be and they are hereby authorized to draw a separate jury for each week of the superior courts of said county.

Commissioners to draw jurors for each week of superior courts.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 60.

AN ACT TO AMEND CHAPTER EIGHTY-THREE, LAWS OF EIGH-
TEEN HUNDRED AND SEVENTY-NINE.*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter eighty-three, laws of one thousand eight hundred and seventy-nine, shall not apply to any incorporated village, city or town of this state.

Chap. 83, acts 1879, not applicable to incorporated cities, towns or villages.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 61.

AN ACT TO PROVIDE A SERVANT FOR THE SUPREME COURT.

The General Assembly of North Carolina do enact :

Compensation of
servant of su-
preme court to be
fixed by the
court.

How selected or
removed.

SECTION 1. That the servant and messenger, attending and waiting upon the supreme court, shall be allowed such pay for his services, per month, as may be fixed and certified to by the justices of said court; said servant and messenger to be selected or removed by the clerk of said court with the consent of the justices thereof.

SEC. 2. This act shall take effect from and after the date of its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 62.

AN ACT TO AMEND AN ACT ENTITLED AN "ACT TO PROVIDE FOR THE LAYING OFF OF A ROAD FROM QUAKER BRIDGE IN JONES COUNTY, TO A POINT NEAR TAR LANDING IN ONSLOW COUNTY," CHAPTER TWO HUNDRED AND SIXTY, ACTS OF GENERAL ASSEMBLY, SESSION EIGHTEEN HUNDRED AND SEVENTY-EIGHT AND EIGHTEEN HUNDRED AND SEVENTY-NINE.

The General Assembly of North Carolina do enact :

Chap. 260, acts
1879, amended.

Convicts to be
furnished by
board of directors
of penitentiary.

SECTION 1. That chapter two hundred and sixty, laws of eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, be amended by striking out all of the fourth section, and inserting therefor the following : "The board of directors of the penitentiary are hereby authorized and directed, upon application of the chair.

man of said board of special commissioners, to employ on said road, under the direction of said board of special commissioners, and under such guards as may be necessary, twenty-five convicts for the period of twelve months, unless said road is sooner completed, said convicts to be governed by and according to prison rules and regulations, and under the supervision and control of the superintendent appointed by and subject to the penitentiary board.

That the expenses of superintending, transporting, feeding and clothing said convicts while so employed shall be paid out of the penitentiary fund, or any other money in the treasury not otherwise appropriated. Expenses of convicts, how paid.

SEC. 2. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SPECIAL SESSION, 1880.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE

STATE OF NORTH CAROLINA,
SPECIAL SESSION, 1880.

RESOLUTION IN FAVOR OF NOAH H. RICE

WHEREAS, at spring term, eighteen hundred and seventy-six, of the superior court of Madison county, W. Y. Davis was duly convicted of the murder of Benjamin Clarke, and was sentenced to be executed according to law: Preamble.

AND WHEREAS, pending said sentence the said Davis escaped from custody and for his apprehension a reward of two hundred dollars was offered by his Excellency Z. B. Vance, governor, etc.;

AND WHEREAS, in pursuance of said reward Noah H. Rice in an effort to arrest said Davis upon his resistance shot and killed the said Davis, and has not recovered the reward so offered; therefore,

Resolved by the House, the Senate concurring, that the public treasurer be authorized and directed to pay the said Noah H. Rice two hundred dollars, the amount of said Noah H. Rice
allowed \$200.

reward, out of any moneys in the treasury not otherwise appropriated, in full discharge of said reward.

This resolution shall be in force from and after its ratification.

Ratified this the 26th day of March, A. D. 1880.

RESOLUTION REQUIRING THE SECRETARY OF STATE TO PURCHASE A MAP FOR THE USE OF THE SENATE.

Map of state for use of Senate.

Resolved by the Senate, the House of Representatives concurring, that the secretary of state be instructed to purchase a map of the State of North Carolina for the use of the Senate.

Ratified this the 26th day of March, A. D. 1880.

RESOLUTION IN RELATION TO TISDELL WALTON OF BUNCOMBE COUNTY.

Preamble.

WHEREAS, it is alleged that Tisdell Walton of Buncombe county has within the last few years lost his sight because of wounds received in the late Confederate service: therefore be it

Investigation as to blindness of Tisdell Walton, and if caused by wound, to entitle him to benefits of ch. 193, acts 1879.

Resolved by the House of Representatives of North Carolina, the Senate concurring, that the committee for the relief of the blind and the maimed for Buncombe county shall thoroughly investigate the case of Tisdell Walton aforesaid as to the cause of his blindness, and if it shall be found that his blindness was the result of a wound or wounds received in the said Confederate service, and the said committee shall so certify, then the said Tisdell Walton shall be entitled to all the benefits of persons men-

tioned in chapter one hundred and ninety-three, acts of eighteen hundred and seventy-nine, ratified March the twelfth, eighteen hundred and seventy-nine.

Ratified this 27th day of March, A. D. 1880.

RESOLUTION OF INSTRUCTION TO THE GOVERNOR.

WHEREAS, the Governor of North Carolina did issue Preamble. the following proclamation, to wit:

A Proclamation by the Governor of North Carolina—Two Hundred Dollars Reward.

EXECUTIVE DEPARTMENT,
Raleigh, N. C., December 9th, 1879.

WHEREAS, official information has been received at this department that Bob Pharr *alias* Bob Farrow, late of the county of Mecklenburg, stands charged with murder;

AND WHEREAS, it appears that the said Bob Pharr *alias* Bobb Farrow has fled the state, or so conceals himself that the ordinary process of law cannot be served upon him:

Now, therefore, I, Thomas J. Jarvis, Governor of the state of North Carolina, by virtue of authority in me vested by law, do issue this my proclamation, offering a reward of two hundred dollars for the apprehension and delivery of the said Bob Pharr *alias* Bob Farrow, to the sheriff of Mecklenburg county, at the court house in Charlotte, and I do enjoin all officers of the state and all good citizens to assist in bringing said criminal to justice.

Done at our city of Raleigh, the ninth day of Decem-

ber, eighteen hundred and seventy-nine, and in the one hundred and fourth year of American Independence.

THOMAS J. JARVIS.

By the Governor:

LEE S. OVERMAN, Private Secretary.

DESCRIPTION.

Bob Pharr, *alias* Bob Farrow, is about five and a half feet high, weighs about one hundred and sixty pounds, dark ginger-cake color, left eye small and somewhat cocked, bony faced, with simple expression, fore finger off near the knuckle, hair a little gray, short stubby moustache, supposed to be about forty-five years of age.

WHEREAS, Henry H. Hill, J. G. A. Orr, H. C. Severs and Charles Baker, in attempting to apprehend and arrest the aforesaid Bob Pharr, did slay him: therefore,

Henry H. Hill
and others al-
lowed \$200.

Resolved by the Senate, the House of Representatives concurring, that the governor be authorized to issue his warrant on the state treasurer for the sum of two hundred dollars in favor of the said Henry H. Hill, J. G. A. Orr, H. C. Severs and Charles Baker, and the treasurer be authorized to pay said warrant out of any moneys not otherwise appropriated.

Ratified this the 27th day of March, A. D. 1880.

RESOLUTION RELATING TO THE CENTENNIAL OF THE BATTLE OF KING'S MOUNTAIN.

Preamble.

WHEREAS, the one hundredth anniversary of the battle of King's Mountain will occur on the 7th day of October next, in which the gallant men of Tennessee (then a por-

tion of North Carolina,) Virginia, North and South Carolina participated, winning victory; and

WHEREAS, it is proper that we, the children, should suitably commemorate and show to the world that we appreciate the gallant deeds of our forefathers, and cherish the great blessings of civil and religious liberty, for which they so nobly struggled and so heroically won, by erecting a suitable monument to mark the spot where, in the arms of victory, many of our patriot forefathers sacrificed their lives in defence of our commonwealth; therefore,

Resolved by the House of Representatives, the Senate concurring, that the governor of this state be, and he is hereby authorized to expend out of any moneys in the treasury not otherwise appropriated, a sum not exceeding fifteen hundred dollars, to aid in the erection of a suitable monument on the battle-ground of King's Mountain, and defray other expenses in commemorating that event.

\$1,500 appropriated for monument on battle ground of King's Mountain.

Ratified this the 27th day of March, A. D. 1880.

RESOLUTION IN RELATION TO CENTENNIAL CELEBRATION OF
THE BATTLE OF GUILFORD COURT HOUSE.

WHEREAS, the citizens of Guilford have called upon the people of North Carolina to co-operate with them in the celebration of the centennial anniversary of the Battle of Guilford Court House, on the old battlefield the fifteenth of March, eighteen hundred and eighty-one, and have called a preliminary meeting to be held in Greensboro on the sixth day of April, proximo, to perfect a proper organization, and make the necessary arrangements to that end; and

Preamble.

WHEREAS, the said Battle of Guilford Court House was

a prominent event in the history of the revolutionary war, and contributed more perhaps to the overthrow of Cornwallis at Yorktown, and the achievement of American independence than any other battle fought upon the southern soil; and

WHEREAS, the celebration of these revolutionary events so intimately connected with the great struggle of our forefathers to throw off British domination and unite the colonies into a confederation of states, making a Federal Union capable of indefinite duration, has a tendency to revive in the hearts of the people a greater love of country and a higher appreciation of the great blessing of liberty regulated by law:

Endorsement of centennial celebration of battle of Guilford court house.

Therefore, be it resolved, that the general assembly of North Carolina cordially endorse the proposed centennial celebration, and will lend such aid and encouragement as it may be able to render the said celebration worthy of the state and the union.

Senators and members of Congress requested to ask aid from Congress.

Resolved, that our senators and members in the congress of the United States be requested to bring the matter before congress, and secure such aid as they may be able to carry out the proposed centennial.

Secretary of state to transmit copies of resolution.

Resolved, that the secretary of state be requested to transmit to each of our senators and members in congress, and to the chairman of the meeting to be held in Greensboro on the 6th of April, proximo, a copy of these resolutions.

Ratified this the 29th day of March, A. D. 1880.

RESOLUTION IN FAVOR OF D. W. FURMAN AND JNO. C. SYME.

Extra allowance to D. W. Furman and J. C. Syme, clerks.

Resolved by the Senate, the House of Representatives concurring, that D. W. Furman and John C. Syme, assistant clerks to the secretary of senate and principal clerk of the house of representatives, be allowed to draw per diem for

four (4) days after the adjournment of the general assembly, as compensation for finishing up such work as may be left undone in their respective offices.

Ratified this 29th day of March, A. D. 1880.

RESOLUTION TO PAY S. T. CARROW.

Resolved by the Senate, the House of Representatives concurring, that the treasurer be and he is hereby instructed to pay S. T. Carrow, the contestant for a seat from the second senatorial district, per diem and mileage for this extra session of this general assembly. Allowance to S. T. Carrow.

Ratified this the 29th of March, A. D. 1880.

RESOLUTION IN FAVOR OF H. W. MILLER.

Resolved by the Senate, the House of Representatives concurring, that H. W. Miller be, and he is hereby allowed the sum of fifteen (\$15) dollars for his services as a page in the Senate during this special session, and that the treasurer pay the same to the said H. W. Miller upon the certificate of the clerk of the Senate. Allowance to H. W. Miller.

That this resolution be in force from its ratification.

Ratified this the 29th day of March, A. D. 1880.

RESOLUTION IN FAVOR OF I. W. ROGERS, LATE KEEPER OF
THE CAPITOL AND ARSENAL.

Allowance to I.
W. Rogers.

Resolved by the House of Representatives, the Senate concurring, that the state treasurer be, and he is hereby authorized and directed to pay to I. W. Rogers, late keeper of the capitol, the sum of thirty-three dollars and thirty-three cents arrearages of salary as such keeper, and the further sum of eight dollars and thirty-three cents arrearages of salary as keeper of the state arsenal for the year eighteen hundred and seventy-four.

Ratified this the 29th day of March, A. D. 1880.

RESOLUTION TO EMPLOY COUNSEL TO AID THE GOVERNOR IN MAKING CONTRACT WITH W. J. BEST AND OTHERS.

Governor authorized to employ counsel in regard to execution of contract of sale of W. N. C. R. R.

Resolved by the Senate, the House of Representatives concurring, that the governor be, and he is hereby authorized to employ such counsel as in his opinion may be necessary, to assist in the preparation and superintendence of the execution of the contracts, deeds of conveyance, &c., under the provisions of an act passed at this session, entitled "an act to provide for the sale of the state's interest in the Western North Carolina Railroad, and other purposes;" and for this purpose is authorized to draw a warrant upon the treasurer for a sum not to exceed five hundred dollars.

Ratified this 29th day of March, A. D. 1880.

RESOLUTION IN REFERENCE TO THE ROOM OF THE KEEPER
OF THE CAPITOL.

Resolved by the House of Representatives, the Senate concurring: SECTION 1. that the secretary of state be and he is hereby instructed to purchase a suitable carpet for the room occupied by the keeper of the capitol, said carpet not to exceed twenty dollars in cost. Carpet for room of keeper of capitol.

SEC. 2. That this resolution take effect from and after its passage.

Ratified this the 29th day of March, A. D. 1880.

RESOLUTION ON ADJOURNMENT.

Resolved by the Senate, the House of Representatives concurring, that this general assembly shall adjourn *sine die* on Monday the twenty-ninth instant, at 12 o'clock meridian Adjournment fixed for 29th March.

Ratified this the 29th day of March, A. D. 1880.

RESOLUTION INSTRUCTING THE PUBLIC TREASURER TO ISSUE
BONDS TO E. A. CRUDUP, ADMINISTRATOR OF SETH JONES,
DECEASED.

Resolved by the Senate, the House of Representatives concurring, that the public treasurer be and he is hereby authorized to issue to E. A. Crudup, administrator *de bonis non* with the will annexed of Seth Jones, bonds of the state bearing four per cent interest in exchange for nine bonds heretofore issued to E. A. Crudup and Henry W. Montague, executors of Seth Jones, under a resolution of Treasurer authorized to issue bonds to E. A. Crudup, adm'r.

the general assembly, ratified tenth March, eighteen hundred and sixty-six, and said exchange shall be made per class number one of the act to compromise and commute and settle the state debt, passed at the last session of this general assembly.

Read three times in the general assembly, and ratified the 29th day of March, A. D. 1880.

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA,
SPECIAL SESSION, 1880.

PRIVATE LAWS
OF THE
State of North Carolina
SPECIAL SESSION, 1880.

CHAPTER 1.

AN ACT TO INCORPORATE THE TOWN OF WAKE FOREST COLLEGE IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Wake Forest College in the county of Wake, be and the same is hereby incorporated by the name and style of the town of Wake Forest College, and so far as may not be inconsistent with this act it shall be subject to all the provisions of chapter one hundred and eleven of Battle's Revisal.

SEC. 2. The corporate limits of said town shall embrace nine hundred and sixty acres of land in the form of a rectangle whose center shall be at the centre of the main college building of Wake Forest College, and whose meridian lines shall be one and a half miles long, and east and west lines one mile long.

SEC. 3. Until the time for the regular election and qualification of officers, the government of said town shall be vested in the following persons, to-wit: James D. Purefoy, mayor; L. R. Mills, R. H. Timberlake, Charles F. Reid, Alexander Mitchell and John S. Thompson, commissioners.

SEC. 4. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, 1880.

CHAPTER 2.

AN ACT TO INCORPORATE THE TOWN OF RANDLEMAN MILLS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

- Incorporated.** SECTION 1. That the town of Randleman Mills in the county of Randolph is hereby created and incorporated a town, and John H. Ferree, James E. Walker, James O. Pickard, Romulus R. Ross, Addison W. Vickery, and their successors, are hereby created a body politic under the style of "The Commissioners of the town of Randleman Mills," to have perpetual succession with the usual
- Body politic.**
- Name.**
- Corporate powers** powers of such corporations, to sue and be sued, plead and be impleaded, contract and be contracted with, and to make all needful rules, regulations, by-laws and ordinances for the government of said town not inconsistent with the constitution and laws of the state and of the United States
- Corporate limits.** SEC. 2. That the corporate limits of said town shall extend to the boundaries of Randleman township.
- Commissioners.** SEC. 3. That the above named commissioners shall only hold their offices until their successors are elected, which shall be on the first Monday of May next, and annually on that day of the month thereafter.
- Election.**
- Officers.** SEC. 4. That said commissioners may appoint a town constable and may also choose one of their number mayor of said town, until the next regular election, at which an

election shall be held for mayor, five commissioners, a town constable, treasurer, clerk, and so on annually.

SEC. 5. That said town and commissioners shall be subject to all the provisions contained in the one hundred and eleventh chapter of Revised Code, except section sixteen. Corporate powers, &c.

SEC. 6. That the commissioners may if they deem it necessary require all persons living within the said town who are liable to work on the public roads to perform such numbers of days work (not exceeding five in any one year) on the roads and streets as they may think proper, and a failure to perform such, subject the delinquent to the same fines and penalties as are imposed for a failure to work on the public roads in the different counties of the state. Roads and streets to be worked.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 29th day of March, A. D. 1880.

CHAPTER 3.

AN ACT TO INCORPORATE THE TOWN OF MIDDLEBURG IN THE COUNTY OF WARREN.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Middleburg, in the county of Warren, be and the same is hereby incorporated by the name and style of the town of Middleburg, and shall be subject to all the provisions contained in chapter one hundred and eleven of Revised Code. Incorporated. Name.

SEC. 2. The corporate limits of the town shall be as follows: beginning at the warehouse of the Raleigh & Gaston Railroad and shall extend one-half mile in every direction. Corporate limits.

Officers.

SEC. 3. Until officers shall be elected as hereinafter provided, the government of the town shall be vested in the following named commissioners: E. W. Watkins, George H. Yancy and L. B. White, who shall meet and elect a mayor and town marshal.

Election.

SEC. 4. An election shall be held on the first Monday in May, eighteen hundred and eighty, and each succeeding year, for mayor, three (3) town commissioners and a town marshal; and all persons living in and qualified voters for members of the general assembly shall be entitled to vote in said election.

Qualification of voters.**Police powers.**

SEC. 5. The said officers and their successors in office shall have power to maintain good order and quiet, (under the restrictions of chapter three Revised Code.)

SEC. 6. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, 1880.

CHAPTER 4.

AN ACT TO AMEND THE CHARTER OF HIGH POINT IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Powers of mayor.

SECTION 1. That the mayor of High Point shall have the same powers, and perform within the corporate limits of High Point like duties as are conferred and imposed upon the mayor of Greensboro by an act of assembly passed at the session of eighteen hundred and sixty-nine and eighteen hundred and seventy and the act amendatory thereof, ratified March eighth, eighteen hundred and seventy-five.

Powers of commissioners.

SEC. 2. That the powers and duties conferred and imposed upon the commissioners of the city of Greensboro

by the act above referred to, and the said act amendatory thereof, are hereby conferred and imposed upon the commissioners of High Point within the corporate limits thereof.

SEC. 3. That the commissioners of High Point may ^{Powers of taxation.} levy and collect taxes in the same manner and upon the same subjects of taxation and subject to the same limit within the corporate limits of said town as the commissioners of Greensboro are authorized to levy and collect in sections forty-five and fifty-five of the charter of the city of Greensboro: *Provided*, the limit of taxation shall ^{Proviso.} be fifty cents on the hundred dollars valuation of property: *And provided*, the equation of taxation between the property and the poll prescribed in the constitution shall be preserved.

SEC. 4. The town of High Point is authorized to buy ^{Power to purchase and hold real estate.} and hold such real estate as in the opinion of the commissioners may be necessary for the better government of said town.

SEC. 5. This act shall be in force from its ratification.

Read three times in general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 5.

AN ACT TO INCORPORATE THE TOWN OF AURORA IN THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Aurora in the county of ^{Incorporated.} Beaufort be and the same is hereby incorporated under the name and style of the "town of Aurora," and shall ^{Name.} be subject to all the provisions contained in the one hundred and eleventh (111) chapter of Battle's Revisal. ^{Corporate powers.}

Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: beginning at the public landing in the said town, running south one-half mile to a stake, thence west one-half mile to a stake, thence north one-half mile to a stake, thence east to the beginning.

Officers. SEC. 3. The officers of said town shall consist of five commissioners, a constable and a treasurer, who shall be *ex-officio* clerk of the board of commissioners. Said five commissioners shall choose one of their number mayor, and also their constable and treasurer.

Commissioners. SEC. 4. That until the next regular election under the general law concerning corporate towns, Wm. H. Cunningham, J. B. Bryan, John B. Whitehurst, Henry Harding and Jesse T. Sugg, are appointed commissioners of said town with power to appoint their constable and treasurer to serve until the time prescribed by law for the next election of officers for corporate towns.

Streets. SEC. 5. The commissioners of said town shall have power to condemn land for streets, and to lay off and open streets in any part of the aforesaid described limits, and shall have power to make all necessary by-laws, rules and regulations for the good government of said town not inconsistent with the constitution of this state or of the United States: *Provided*, that when land is condemned under this act, either party shall have a right of appeal to the superior court of the county.

By-laws, &c.

Proviso.

SEC. 6. This act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 6.

AN ACT TO INCORPORATE THE HISTORICAL AND SCIENTIFIC
SOCIETY OF WILMINGTON, NORTH CAROLINA.

WHEREAS, divers citizens of Wilmington and the Cape Preamble.
 Fear section are desirous of perpetuating the historical
 events of their section and of the state of North Carolina,
 and of accumulating and preserving all pamphlets and
 records of a scientific, historical and literary nature, which
 appertain to said section or the state at large, which may
 be of use to the future historian, and which may tend to
 engender a taste for literary and scientific pursuits
 amongst the people of this state; AND WHEREAS, the afore-
 said citizens do purpose to contribute to the attainment
 of these ends by means of monthly lectures and essays to
 be read before their association: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That G. D. Bernheim, J. G. Burr, Edward Body politic.
 Cantwell, John D. Bellamy, jr., E. S. Martin, W. B. Mc-
 Koy, Jos. R. Wilson, Edward Kidder, Donald McRae,
 Samuel Mendelsohn, A. A. Watson, T. M. Ambler, A. M.
 Waddell, R. H. McKoy, Henry Nutt, W. F. Wenzel, Nor-
 wood Giles, Alex. Sprunt, James Sprunt, S. A. Story,
 David Cashwell, Daniel Morelle, Thomas F. Wood, J. W.
 Atkinson, H. B. Eilers, W. G. Thomas, George G. Thomas,
 DuBentz Cutler, Graham Daves, and their associates and
 successors be and the same are hereby incorporated into
 a body politic and corporate under the name and title of
 "The Historical and Scientific Society of Wilmington, Name.
 North Carolina," located in the city of Wilmington; and
 by that name may have succession and a common seal, Corporate powers.
 and have power to sue and be sued, plead and be im-
 pleaded before any court of record or other court of this

state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of the society.

Officers.

SEC. 2. That the officers of the society shall consist of a president, vice president, recording secretary, corresponding secretary, treasurer and curator.

Secretary of state to furnish copies of public documents.

SEC. 3. That the secretary of state be and he is hereby ordered and instructed to furnish and send to this society a copy of all the public documents appertaining to any of the departments of state, which may hereafter be published by the state so that the preservation of such documents may be the more certainly secured.

Secretary of state to present copies of public documents furnished under act of Congress.

SEC. 4. That the secretary of state be and he is hereby authorized and instructed to present to the said, "The Historical and Scientific Society of Wilmington, N. C.," all those public documents furnished annually by a late act of congress of the United States to the state of North Carolina for the benefit of such societies, and which have not been heretofore dedicated to the State Historical Society or any like institution.

By-laws, &c.

SEC. 5. That the said society shall have power to make all such by-laws and regulations as may be deemed necessary for its government, that may not be inconsistent with the constitution of this state or of the United States.

SEC. 6. That this act shall be in force from and after its ratification.

Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.

CHAPTER 7.

AN ACT TO INCORPORATE THE TOWN OF MEBANESVILLE IN
ALAMANCE COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Mebanesville in Ala- Incorporated.
mance county is hereby incorporated into a body politic
and corporate by the name and style of the town of Name.
Mebanesville, to have the usual powers of such corpora-
tions, to sue and be sued, to plead and be impleaded, to Corporate pow-
ers.
contract and be contracted with and to make all needful
rules and regulations, by-laws and ordinances for the
government of said town, not inconsistent with the con-
stitution and laws of this state and of the United States.

SEC. 2. The corporate limits of said town shall be em- Corporate limits.
braced within a square, commencing at the railroad ware-
house and running east to the Orange county line, the
other sides namely, the north, west and south shall be
equally distant from the centre.

SEC. 3. An election shall be held on the first Monday Election.
in May, one thousand eight hundred and eighty and each
successive year thereafter, for a mayor and three commis-
sioners, said election to be held by the authorities in the
manner prescribed by chapter one hundred and eleven,
Battle's Revisal. That said commissioners shall have
power to elect at their first regular meeting after the first
Monday in May a town constable, clerk and treasurer.

SEC. 4. That the commissioners shall have power to lay Streets.
out and open streets within the corporate limits and shall
have power and authority to condemn, appropriate or use
any land or lands necessary for the purpose mentioned in
this section : *Provided*, that it does not materially damage
the property of any land holders within the limits named ;
that the owner or owners of land thus condemned or ap-
propriated shall be allowed a just and reasonable com-
Proviso.

Taxation.	pensation for such land. That said commissioners shall have power to levy and collect a tax on all subjects of state taxation, not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars' worth of real and personal property; and to impose
Fines, &c.	fines and penalties for the violation of town ordinances and collect the same, which taxes, forfeitures and penalties, when collected, shall go to the use of the streets and side-walks or in such other mode as said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same.
Sale of liquors prohibited.	SEC. 5. That spirituous liquors of all kinds, including all malt liquors, lager beer, ale, porter and all such shall not be sold or retailed by any one within the corporate limits of said town; except for medical purposes and uses, and no such liquors shall be sold for medical purposes unless prescribed and recommended by the written certificate of a regular practicing physician, and every person violating or evading the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined for each and every offence not more than thirty dollars, nor less than five, and be imprisoned not more than thirty days in the discretion of the court. SEC. 6. That all laws and clauses of laws coming in conflict with this act are hereby repealed. SEC. 7. That this act shall be in force from and after its ratification.
Exception.	
Misdemeanor.	
Penalty.	Read three times in the general assembly, and ratified this the 29th day of March, A. D. 1880.
Conflicting laws repealed.	

CHAPTER 8.

AN ACT TO INCORPORATE THE TOWN OF RICHLANDS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact :

SECTION 1. That the town of Richlands, in Onslow Incorporated. county, be and the same is hereby incorporated by the name and style of the "Town of Richlands," and shall Name. be subject to all the provisions contained in chapter one hundred and eleven (111) Battle's Revisal, not inconsistent with the constitution and laws of this state and the Corporate powers. United States.

SEC. 2. That the corporate limits of said town shall be Corporate limits. as follows: beginning at the centre of the Methodist church and running one-half mile north, south, east and west, comprising one mile square.

SEC. 3. That until their successors are elected under Officers. the laws of the state, L. W. Harget shall act as mayor, and Uzza Mills, S. J. Veach, F. D. Koonce, shall act as commissioners and M. B. Steed shall act as marshall of said town.

SEC. 4. That it shall be the duty of the persons elected Officers to qualify before justice of the peace. under the laws of the state to go before some justice of the peace for said county and take the oath prescribed by law within five (5) days after their election.

SEC. 5. That all the fines collected for the violation of Fines. any town ordinance shall go into the town treasury for the benefit of the town.

SEC. 6. That no licenses shall be granted to sell spirituous liquors within the corporate limits of the town by Granting of license to sell liquor prohib the commissioners.

SEC. 7. This act shall be in force from and after its ratification.

Read three times in general assembly, and ratified the 29th day of March, A. D. 1880.

STATE OF NORTH CAROLINA,
OFFICE SECRETARY OF STATE,
Raleigh, April 1, 1880.

I, W. L. Saunders, Secretary of State, hereby certify
that the foregoing are true copies of the original acts and
resolutions on file in this office.

W. L. SAUNDERS,
Secretary of State.

INDEX
TO THE
LAWS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY OF NORTH CAROLINA,
PASSED AT ITS
SPECIAL SESSION, 1880.

INDEX

TO THE

LAWS AND RESOLUTIONS,

SPECIAL SESSION, 1880.

A.

	PAGE.
ADJOURNMENT:	
Time of adjournment fixed,	115
	Index to laws and resolutions.
ALBEMARLE SOUND:	
Lumbermen required to remove obstructions,	82
ALLEN, DAVID:	
Appropriation for, amending acts 1879, ch. 206,	33
ANSON COUNTY:	
Time of holding court,	53
APPROPRIATIONS:	
For David Allen,	33
For King's Mountain Centennial,	110
For Furman and Syme,	112
For Carrow; for Miller,	113
For salary of I. W. Rogers,	114
Attorneys to draw contract for sale of W. N. C. R. R.,	114
Carpet for office of Keeper of Capitol,	115
ARREARS OF TAXES:	
See SHERIFFS AND TAX COLLECTORS.	
ASHE COUNTY:	
Time of holding court,	21
ASSESSORS:	
Duties of, under Revenue Act amended,	84
ATLANTA AND CHARLOTTE AIR-LINE R. R.:	
Charter of, amended,	54

	PAGE
Index to laws and resolutions.	
ATTORNEYS:	
Justices of the Peace may practice as, in Mecklenburg,	88
Governor may employ in drawing contract,	114
AURORA:	
Town of, incorporated,	123
B.	
BATTLES:	
Appropriations for King's Mountain Centennial,	110
Endorsement of Guilford C. H. Centennial,	111
BATTLE'S REVISAL:	
Ch. 118, sec. 2, (Wild fowl) construed,	32
Ch. 32, sec. 43; ch. 48, sec. 1, (Fences) in Rowan,	56
Ch. 69, sec. 23. (Marriage Contract),	81
Ch. 117, sec. 14, (Widows' Year's Support),	88
Ch. 7, sec. 8. (Attorneys),	88
BEAUFORT COUNTY:	
Time of holding court,	23
Special tax in authorized,	57
Relief of sureties of Tax Collector Satchwell,	86
BEST, W. J., AND OTHERS:	
Sale of State's interest in W. N. C. R. R. to,	58
Governor may employ additional counsel to draw contract with,	114
BETHLEHEM CHURCH:	
Unlawful to sell liquor in five miles of,	81
BIRDS:	
Wake and Granville added to counties in acts 1876-'77, ch. 194,	99
BLADEN COUNTY:	
Time of holding court,	53
BOND:	
Treasurer to issue bond to Jones' adm'r,	115
BOUNDARY LINES:	
See COUNTIES.	
BRIDGES:	
Over Tuckaseige in Jackson,	26
BRUNSWICK COUNTY:	
Time of holding court,	53
County commissioners to pay certain school claims,	55

	PAGE.	Index to laws and resolutions.
BURKE COUNTY:		
Exempted from operation of act forbidding driving cattle beyond the Blue Ridge,	20	
C.		
CABARRUS COUNTY:		
Commissioners of, empowered to settle with sheriff,	19	
CAPE FEAR AND YADKIN VALLEY R. R. CO :		
Charter of amended ; branches ; convicts,	35	
CARROW, S. T.:		
Appropriation for as a contestant,	113	
CARTERET COUNTY:		
Liquor selling near certain places in, prohibited,	81	
CATTLE AND LIVE STOCK :		
Burke county relieved from act forbidding driving stock west of Blue Ridge,	20	
Injury to, on R. R. in certain counties indictable,	30	
Forbidden to run at large in Rowan,	56	
Forbidden to run at large in Person,	71	
CENTENNIAL :		
King's Mountain,	110	
Guilford C. H.,	111	
CHAPEL HILL :		
Liquor law of. amended,	90	
CHOWAN BAPTIST FEMALE INSTITUTE :		
Liquor selling near, indictable,	91	
CITIES :		
See TOWNS AND CITIES.		
CLASSIFICATION OF ROADS :		
See ROADS AND BRIDGES.		
COLUMBIA :		
Sale of liquor in forbidden,	21	
COLUMBUS COUNTY :		
Time of holding courts,	53	
CONVICTS :		
On Cape Fear and Y. V. R. R.,	35	
On W. N. C. R. R.,	61	
On Rabun Gap R. R.,	98	
On road in Onslow and Jones,	102	

	PAGE.
Index to laws and resolutions.	
CORPORATIONS :	
See RAILROADS, TOWNS AND CITIES.	
COTTON WEIGHERS :	
For Tarboro, how appointed,	76
COUNSEL :	
To aid in drawing contract concerning W. N. C. R. R.,	114
COUNTIES :	
Public roads in certain counties to be classified,	24
Tax for roads in certain counties,	43
Special tax in Beaufort,	57
Dividing line between Greene and Wayne,	75
COURTS :	
Time of holding in Ashe,	21
Time of holding in Beaufort and Martin,	23
Removal of causes before Justices,	33
Time of holding in Fourth District,	53
Act concerning service of process on infants amended,	56
Drawing jurors in Wake,	101
Servant in Supreme Court,	102
CRIMES AND MISDEMEANORS :	
Liquor selling in certain localities,	21, 23, 81, 83, 90, 91, 92
Clerk for not certifying classification of roads,	25
Killing stock on R. R. in certain counties,	30
Various offences under road law in Mecklenburg, &c.,	36-53
Felling trees in New River,	77
Not providing fish ways in certain streams,	77
CUMBERLAND COUNTY :	
Time of holding court,	53
CURRITUCK COUNTY :	
Act concerning shooting wild fowl in, construed,	32
D.	
DAVIS, W. Y.:	
Reward for killing,	107
DEED :	
Wife of lunatic, &c., may make deed,	81
DISABLED SOLDIERS :	
Relief of David Allen,	33
Of Tisdale Walton,	108
DOBSON :	
Prohibitory law repealed,	98

	PAGE.
DRUMMERS :	
Amendment to revenue law concerning,	85
DURHAM RAILROAD :	
Act to incorporate,	28

E.

EDGECOMBE COUNTY :	
Board of Education to pay certain school claims,	55
ELECTIONS :	
On Graded Schools in Goldsboro and Salisbury,	67
ELKVILLE :	
Sale of liquor forbidden,	92
ELLEDALE ACADEMY :	
Sale of liquor in one mile of prohibited,	21
ELMWOOD STATION :	
Sale of liquor in one mile of forbidden,	21

F.

FEES :	
Of sheriff in Pitt,	27
Of sheriff in settling taxes,	86
FELLING TREES :	
SEE RIVERS AND STREAMS.	
FENCES :	
Fence law in Rowan amended,	56
Person added to counties, acts 1879, chap. 135, in regard to fence law,	71
FISH :	
Unlawful to dam certain streams without providing fish way,	77
FORSYTH COUNTY :	
Road law in amended,	36
FREE-TRADER :	
Wife of idiot, &c., may become free-trader,	81
FURMAN, D. W. :	
Appropriation of,	112

G.

Index to laws and resolutions.		PAGE.
GASTON COUNTY :		
New township in,		91
GIBB'S CROSS ROADS :		
Sale of liquors forbidden,		92
GOLDSBORO :		
Election for graded school in township,		67
GRADED SCHOOLS :		
In Goldsboro and Salisbury,		67
GRANVILLE COUNTY :		
Added to law regarding birds, acts '76-'77, ch. 194,		99
GRANVILLE RAILROAD CO. :		
Act incorporating, amended,		93
GREENE COUNTY :		
Dividing line between Wayne and,		75
GUIDE BOARDS :		
Penalty for destroying in certain counties,		42
GUILFORD COURT HOUSE :		
Celebration of centennial,		111

H.

HADNOT CHURCH :		
Unlawful to sell liquor in five miles of,		81
HALIFAX COUNTY :		
Arrearages of taxes due L. M. Long may be collected,		72
HALL'S CHAPEL :		
Sale of liquor near forbidden,		21
HANK'S CHAPEL :		
Liquor law amended,		83
HARNETT COUNTY :		
Time of holding courts,		59
HIGH POINT :		
Charter of amended,		122
HIGHWAYS :		
SEE ROADS AND BRIDGES.		
HILL AND OTHERS :		
Reward to for killing Pharr,		109

	PAGE.	Index to laws and résolutions.
HISTORICAL AND SCIENTIFIC SOCIETY OF WILMINGTON :		
Incorporated,	125	
HOLLY SPRINGS CHURCH :		
Sale of liquor prohibited,	21	
HORSE DEALERS :		
Tax on amended,	106	
HUSBAND AND WIFE :		
Deed made by wife of idiot, &c.,	81	

I.

IDIOTS AND LUNATICS :		
Wife of idiot, &c., may make deed,	81	
INFANTS :		
Act concerning service of process on, amended,	56	
INTOXICATING LIQUORS :		
SEE LIQUOR SELLING.		

J.

JACKSON COUNTY :		
Bridge over Tuckaseige river,	27	
JOHNSTON COUNTY :		
Time of holding court,	53	
JONES COUNTY :		
Road in Jones and Onslow ; convicts,	102	
JURORS :		
Drawing, in Wake county,	101	
JUSTICES OF THE PEACE :		
Removal of causes pending before,	33	
Duties, &c., concerning roads in Mecklenburg, &c.,	36, 53	
May practice law in Mecklenburg,	88	

K.

KEEPER OF THE CAPITOL :		
Appropriation for pay of Rogers, late keeper,	114	
Carpet for room of,	115	
KID'S CHAPEL :		
Sale of liquor near forbidden,	23	

Index to laws and resolutions.		PAGE.
	KING'S MOUNTAIN:	
	Appropriation for Centennial,	110
	L.	
	LABORER'S LIEN :	
	Lien of sub-contractor, how enforced,	89
	LAND :	
	Sold for taxes to State, may be redeemed, .	28
	LENOIR COUNTY :	
	Prisoners to work roads in,	95
	LIEN :	
	Of sub-contractors, how enforced,	89
	LIGHTNING ROD DEALERS :	
	Tax on, reduced,	24
	LIQUOR DEALERS :	
	Revenue act concerning, amended,	96
	LIQUOR SELLING :	
	In certain localities, prohibited,	21
	Prohibited near Kid's Chapel and Trinity Presbyterian Church,	23
	Prohibited in certain places in Carteret,	81
	Exception as to Nag's Head Hotel,	83
	Amendment in regard to Hank's Chapel,	83
	Chapel Hill and Terrence Chapel,	90
	Ohowan Baptist Female Institute,	91
	Certain Churches,	92
	McKendrie's Chapel,	97
	Certain places in Surry stricken out,	99
	Amendment in regard to Vine Hill Academy,	98
	LIVE STOCK :	
	SEE CATTLE AND LIVE STOCK.	
	LONG, L. M. :	
	Tax collector of Halifax auhthorized to collect arrears,	72
	LUNATICS :	
	Deed by wife of,	81

M.

MANN'S CHAPEL :	
Unlawful to sell liquor in two miles of,	83

	PAGE.	Index to laws and resolutions.
MAP :		
To be purchased for the Senate,	108	
MARTIN COUNTY :		
Time of holding court,	23	
McKENDRIE'S CHAPEL :		
Sale of liquor near, prohibited,	97	
MEBANESVILLE :		
Town of, incorporated,	127	
MECHANIC'S LIEN :		
Lien of sub-contractors,	89	
MECKLENBURG COUNTY :		
Road law in amended,	36	
Justice of the Peace may practice law in,	88	
MIDDLEBURG :		
Town of, incorporated,	121	
MILLER, H. W. :		
Appropriation for pay of,	113	
MISDEMEANORS :		
SEE CRIMES AND MISDEMEANORS.		
MOORE COUNTY :		
Time of holding courts,	53	

N.

NAG'S HEAD HOTEL :	
Exempted from operation of liquor law,	63
NAVIGATION :	
Obstructions to, in Albemarle Sound to be removed,	82
NEW RIVER :	
Felling trees in, in Onslow, prohibited,	77

O.

OAK GROVE CHURCH :	
Unlawful to sell liquor in five miles of,	81
OBSTRUCTING NAVIGATION :	
SEE NAVIGATION.	
OLD FORT :	
Sale of liquor prohibited,	21
OLIN :	
Sale of liquor in one mile of, prohibited,	21

Index to laws and resolutions,		PAGE.
OLIVET CHURCH:		
Sale of liquor in two miles, prohibited,		31
ONslow COUNTY:		
Felling trees in New river, prohibited,		77
Laying off road in Jones and ; convicts,		102

P.

PELDLERS:		
Tax on, amended,		84
PENDER COUNTY:		
County Commissioners to pay certain school claims,		55
PERSON COUNTY:		
Live stock prohibited from running at large,		71
PHARR, BOB:		
Reward for killing,		100
PITT COUNTY:		
Amendment to act concerning sheriff's fees in,		27
PRISONERS:		
To work roads in certain counties,		49
To work on roads in Lenoir,		95
PROCESS:		
Act concerning service of, on infants amended,		56
PROHIBITION AND PROHIBITORY LAWS:		
See LIQUOR SELLING.		
PUBLIC ROADS:		
See ROADS AND BRIDGES.		
PUBLIC TREASURER:		
See TREASURER.		

R.

RABUN GAP SHORT LINE R. R.:		
Additional convicts allotted to,		98
RAILROADS:		
Durham R. R. incorporated,		28
Killing stock on, in certain counties, officers indictable,		30
Charter of Cape Fear and Yadkin Valley amended,		35
Provisions for keeping road crossings in repair in certain counties,		50
Amendment to Atlanta and Charlotte Air Line R. R.,		54

	PAGE.
RAILROADS—(CONTINUED.)	
Sale of States interest in W. N. C. R. R.,	58
Additional convicts to Rabun Gap R. R.,	98
Counsel to aid in drawing contract for sale of Western N. C. R. R.,	114
RANDLEMAN MILLS :	
Town of, incorporated,	120
REMOVAL OF CAUSES :	
From one Justice of the Peace to another,	33
REVENUE :	
Tax on dealers in lightning rods reduced,	24
Different amendments to revenue act; sewing machine agents,	84
Amendment in regard to liquor dealers,	96
Tax on horse dealers reduced,	100
REWARDS :	
For killing Davis in arresting, paid to Rice,	107
For killing Pharr in arresting, paid to Hill and others,	109
RICE :	
Reward for killing Davis, in arresting him,	107
RICHLANDS :	
Town of, incorporated,	129
RICHMOND COUNTY :	
Time of holding courts,	53
RIVERS AND STREAMS :	
Bridge over Tuckaseige,	26
Felling trees in New River,	77
Indictable not to construct fish-ways in certain streams,	77
ROADS AND BRIDGES :	
Classification of roads in certain counties,	24
Bridge over Tuckaseige River, Jackson county,	26
Road law of Mecklenburg, &c., amended,	36-53
Amendment to general road law,	72
Prisoners to work on, in Lenoir,	95
Towns and cities exempted from operation of Mecklenburg law,	101
Construction of road in Onslow and Jones; convicts,	102
ROBESON COUNTY :	
Time of holding court,	53
Time of tax collector extended,	97
ROGERS, I. W.:	
Pay of Rogers, late Keeper of the Capitol,	114

	PAGE.
Index to laws and resolutions.	
ROWAN COUNTY :	
Live stock prohibited from running at large,	56
S.	
SALARIES AND FEES :	
Fees of county officers in Pitt,	27
SALES OF LIQUOR :	
See LIQUOR SELLING.	
SALISBURY :	
Tax for graded school in,	67
SATCHWELL, F. J.:	
Tax collector of Beaufort, relief of sureties of,	86
SCHOOLS AND SCHOOL FUNDS :	
R. R. tax appropriated for, in Union county,	34
Certain school claims in several counties to be paid,	55
Graded schools in Goldsboro and Salisbury,	67
SENATE :	
Map to be furnished for,	108
SERVANT :	
For Supreme Court ; appropriation,	102
SEWING MACHINE AGENTS :	
Tax on, amended,	84
SHERIFFS AND TAX COLLECTORS :	
Commissioners of Cabarrus authorized to settle with sheriff,	19
Act concerning fees of sheriff of Pitt, amended,	27
Compensation for collecting road tax in Mecklenburg, &c.,	52
Long, authorized to collect arrears of taxes in Halifax,	72
Compensation of under revenue act amended,	86
Sureties of Satchwell may collect arrears of tax in Beaufort,	86
Time of Robeson county Tax Collector extended,	97
SNOW HILL :	
In Cherokee, sale of liquor in, forbidden,	21
STOKES COUNTY :	
Road law in, amended,	36
SUB-CONTRACTOR'S LIEN :	
Authorized and regulated,	89
SUPERVISORS OF ROADS :	
See ROADS AND BRIDGES.	

	PAGE.	Index to laws and resolutions.
SUPREME COURT :		
Authorized to appoint servant,	102	
SURRY COUNTY :		
Prohibitory law amended in regard to,	98	
SYME, J. C.:		
Appropriation for pay of,	112	
T.		
TARBORO :		
Cotton weighers in, how appointed,	76	
TAXES :		
On lightning rod dealers reduced,	24	
Time for redeeming land sold to State extended,	28	
For roads in certain counties,	43	
Special tax in Beaufort county,	57	
Revenue law amended,	84	
Compensation of sheriff settling with Treasurer,	86	
Time of Robeson county tax collector extended,	97	
Tax on liquor amended,	96	
On horse dealers,	100	
See also REVENUE ; and for arrears of taxes, see SHERIFFS AND TAX COLLECTORS.		
TERRENCE CHAPEL :		
Sale of liquor forbidden,	90	
TOWNS AND CITIES :		
Exempted from road law in Mecklenburg, &c.,	101	
Wake Forest College, town of, incorporated,	119	
Randleman's Mills, town of, incorporated,	120	
Middleburg, town of, incorporated,	121	
High Point, charter amended,	122	
Aurora, town of, incorporated,	123	
Mebanesville, town of, incorporated,	127	
Richlands, town of, incorporated,	129	
TOWNSHIPS :		
Election for graded school in Goldsboro township,	67	
New township in Gaston county,	91	
TOWNSHIP TRUSTEES :		
Duties of, in regard to roads in Mecklenburg, &c.,	36-53	
TREASURER :		
To issue duplicate bonds to Jones' administrator,	115	

Index to laws and resolutions.		PAGE.
	TRINITY PRESBYTERIAN CHURCH :	
	Sale of liquor near, forbidden,	23
	TUCKASEIGE RIVER :	
	Bridge over, in Jackson county,	26
	U.	
	UNION COUNTY :	
	Surplus railroad tax applied to schools,	34
	UNIVERSITY OF N. C.:	
	Act concerning sale of liquor near, amended,	90
	V.	
	VINE HILL ACADEMY :	
	Prohibitory law repealed,	99
	W.	
	WAKE COUNTY :	
	Added to counties included in bird law, (acts 1876-'77, ch. 194.)	99
	Drawing jurors for third week of court,	101
	WAKE FOREST COLLEGE :	
	Town of, incorporated,	119
	WALTON, TISDALE :	
	Appropriation for disabled soldier,	108
	WASHINGTON COUNTY :	
	County commissioners to pay certain school claims,	55
	WAYNE COUNTY :	
	Graded school in Goldsboro,	67
	Dividing line between Greene and	75
	WESTERN N. C. R. R. :	
	Sale of State's interest in, to Best and others,	58
	Counsel to be employed to draw contract,	114
	WIDOWS' YEAR'S SUPPORT :	
	Law amended; exempt from judgment against husband.	88

WILD FOWL :

Act concerning shooting in Currituck construed,

PAGE.32 Index to laws
and resolutions.**WILMINGTON :**

Historical Society incorporated,

125

Z.**ZION WESLEY CHURCH :**

Sale of liquor in two miles of, forbidden,

21





